

8435. By Mr. SELVIG: Petition of American Legion Post, of Halstad, Minn., urging enactment of the bill providing for payment of adjusted-compensation certificates in cash to the veterans; to the Committee on Ways and Means.

8436. Also, petition of the American Legion Post, of Nielsville, Minn., urging the enactment of the bill providing for payment of adjusted-compensation certificates in cash to the veterans; to the Committee on Ways and Means.

8437. By Mr. SINCLAIR: Petition of 30 members of the William Perry Makee Post, No. 75, American Legion, Department of North Dakota, urging the immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8438. By Mr. YATES: Petition of A. G. Hartnagel, cashier First National Bank, Nashville, Ill., urging the passage of House bill 11718, for the relief of drainage; to the Committee on Irrigation and Reclamation.

8439. Also, petition of E. E. Elder, president American Field Seed Co., Forty-third and Robey Streets, Chicago, Ill., protesting the passage of legislation increasing first-class postage from 2 cents to 2½ cents per ounce; to the Committee on the Post Office and Post Roads.

8440. Also, petition of the Advance Pattern & Foundry Co., 2734 West Thirty-sixth Place, Chicago, Ill., urging the defeat of any legislation that will increase the first-class postal rate from 2 cents to 2½ cents; to the Committee on the Post Office and Post Roads.

## SENATE

WEDNESDAY, JANUARY 7, 1931

(Legislative day of Monday, January 5, 1931)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Robinson, Ind.
Barkley	Fess	King	Sheppard
Bingham	Fletcher	La Follette	Shipstead
Black	Frazier	McGill	Shortridge
Blaine	George	McKellar	Smith
Blease	Glass	McMaster	Smoot
Borah	Goff	McNary	Steiwer
Bratton	Goldsborough	Metcalf	Swanson
Brock	Gould	Morrison	Thomas, Idaho
Brookhart	Hale	Morrow	Thomas, Okla.
Broussard	Harris	Norbeck	Trammell
Bulkeley	Harrison	Norris	Tydings
Capper	Hastings	Nye	Vandenberg
Caraway	Hayden	Oddie	Wagner
Carey	Hebert	Partridge	Walcott
Connally	Heflin	Phipps	Walsh, Mass.
Copeland	Howell	Pine	Walsh, Mont.
Couzens	Johnson	Pittman	Waterman
Cutting	Jones	Ransdell	Watson
Dale	Kean	Reed	Wheeler
Davis	Kendrick	Robinson, Ark.	Williamson

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The Senator from West Virginia [Mr. Goff] has the floor.

### SENATOR FROM MAINE

As in legislative session,

Mr. HALE presented the credentials of WALLACE H. WHITE, Jr., chosen a Senator from the State of Maine for the term commencing March 4, 1931, which were read and ordered to be filed, as follows:

### STATE OF MAINE.

To all who shall see these presents, greeting:

Know ye that WALLACE H. WHITE, Jr., of Lewiston, in the county of Androscoggin, on the 8th day of September, in the year of our Lord 1930, was chosen by the electors of this State a United States Senator to represent the State of Maine in the United States Senate for the term of six years, beginning on the 4th day of March, 1931.

In testimony whereof I have caused the seal of State to be hereunto affixed.

Given under my hand at Augusta, the 15th day of November, A. D. 1930, and in the one hundred and fifty-fifth year of the independence of the United States of America.

WM. TUDOR GARDINER.

By the governor:  
[SEAL.]

EDGAR C. SMITH,  
Secretary of State.

### EXECUTIVE MESSAGES

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

### OIL PRODUCTION

As in legislative session,

Mr. THOMAS of Oklahoma. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oklahoma?

Mr. GOFF. I yield.

Mr. THOMAS of Oklahoma. I ask unanimous consent to have read at the desk and referred to the Finance Committee a telegram relating to the present condition of oil production.

The VICE PRESIDENT. Is there objection to the reading of the telegram?

Mr. BORAH. I shall not object to its reading, but I am going to ask for the regular order after it is done.

The VICE PRESIDENT. The Chair hears no objection. The clerk will read, as requested.

The Chief Clerk read as follows:

TULSA, OKLA., January 6, 1931.

Senator ELMER THOMAS.

Senate Office Building, Washington, D. C.:

Directors of Midcontinent Royalty Owners' Association, representing thousands of farmer landowners and individual royalty owners throughout mid-continent fields, to-day passed resolution indorsing the action of our Senators and Representatives in demanding relief for oil industry at the present session of Congress, and if that is impossible they earnestly request that they use their influence in every way possible to secure extra session of Congress after March 4, and if necessary a congressional or Federal Trade Commission investigation of entire oil industry. They charge that Andrew Mellon, who is head of Gulf Oil Corporation, one of largest importers of crude oil, is using his influence as a Cabinet member against the securing of a tariff and is definitely against interests of the small oil producer and royalty owner. Failure of the independent oil producer also brings failure to merchants, professional men, and banks throughout the oil-producing region and is throwing additional thousands of wage earners out of employment in all these industries. Kindly have copies of this message sent to our entire congressional delegation.

MIDCONTINENT ROYALTY OWNERS' ASSOCIATION.

The VICE PRESIDENT. The telegram will be referred to the Committee on Finance.

### PROPOSED INVESTIGATION BY TARIFF COMMISSION

Mr. McKELLAR. Mr. President, will the Senator from West Virginia yield?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. GOFF. I yield.

Mr. McKELLAR. As in legislative session, I submit a resolution calling upon the Tariff Commission for certain information with reference to pineapples, and I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. SHORTRIDGE. Mr. President, I do not want to appear ungracious in a matter of this kind, but on Monday last the leader on the other side objected to two resolutions of mine seeking similar information. I think probably it had better go over.

Mr. McKELLAR. Very well; I withdraw the resolution.

### NOMINATIONS OF POSTMASTERS

Mr. PHIPPS. Mr. President, will the Senator from West Virginia yield?

Mr. GOFF. I yield.

Mr. PHIPPS. I submit certain nominations from the Committee on Post Offices and Post Roads for the Executive Calendar.

The VICE PRESIDENT. The nominations will be received and placed on the Executive Calendar.



## AVIATION TRAINING FOR MIDSHIPMEN AND LINE OFFICERS

Mr. BINGHAM. Mr. President, Lieut. Commander D. C. Ramsey, United States Navy, has prepared a very interesting article on Aviation Training for Midshipmen and Line Officers, which has been published in the January issue of the United States Naval Institute proceedings. It is of such general interest, and will be of particular interest to Congress desiring to appoint cadets to Annapolis to know the kind of men who are desired, a large percentage of whom go into naval aviation, that I ask unanimous consent to have the article printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

## AVIATION TRAINING FOR MIDSHIPMEN AND LINE OFFICERS

By Lieut. Commander D. C. Ramsey, U. S. Navy

In the spring of 1929 there was organized and established a new unit in the aeronautic organization, VN Squadron 8, which was assigned to duty at the Naval Academy as a permanent and integral part of that institution.

The work accomplished by VN Squadron 8 during the summers of 1929 and 1930 has closely paralleled that undertaken by units of the aircraft squadrons, Scouting Fleet, during similar periods in 1925, 1926, 1927, and 1928, except that in 1926, 1927, and 1928 personnel under indoctrinal flight training were the newly graduated ensigns of those years, and in 1925 approximately one-third of the members of the first class who did not participate in the summer cruise. Present policy provides for a flight course for members of the second class which remains at the Naval Academy throughout the summer and, in addition, flight training for the first class during the first two and last two months of the academic year.

Had the number of line-officer applications for flight training at Pensacola kept pace in the past with the rapid expansion and increasing personnel needs of the aeronautic arm of the service, it is believed that VN Squadron 8 might not be a part of the Naval Academy at the present time. This thought, in itself, expresses, perhaps, the principal reason for its existence.

On September 15, 1928, the then Commander in Chief of the United States Fleet, faced with an acute shortage of academy graduate naval aviators in the operating aviation units afloat, submitted the following views to the Navy Department:

"It is clear that the old systems, old methods will not fit the new conditions. We must devise new methods, formulate new principles to fit the new conditions. They may be radical but they must be sound, and they must solve not only the immediate problem but be such as not to bring a greater problem in their wake. The root principle that must hold throughout any system or plan that is adopted is that the Navy's aviation officers must be naval officers in every sense of the term. This can be done. It must be done. But it can be done only if the Navy supports its own institutions. The one sure way is to begin at the beginning. The beginning is the Naval Academy. If interest in aviation is implanted in the midshipmen there from their earliest days, there can be only one result.

"At present but one squadron of planes is assigned to Annapolis and for a short period each year. The only active aircraft squadron operations at the Naval Academy occur at a time when the main body of midshipmen is absent. This can not fail to lead to the impression that aviation is a separate and not a correlated part of the naval profession. The time has arrived when aviation must be rooted in its proper place in the curriculum of instruction established for our naval officers of the future."

At the time the above views were presented the aircraft carriers *Saratoga* and *Lexington* had taken their places in the fleet, each with an assigned complement of 70 planes. In many cases personnel complements of attached aircraft units were made up of a bare nucleus of qualified line-officer aviators who took their places in squadron formation with naval-reserve pilots, lacking in the flight experience which the nature of their work required and further handicapped by superficial grounding in the fundamentals of naval education. It was recognized that, while certain elements of aviation ground instruction had been taken over by various Naval Academy departments, and a flight course for ensigns had been in effect for three years, this total effort had been ineffective in producing the flow of applications necessary to build up the complements of the fleet aircraft squadrons to the required strength of best qualified officer personnel.

This brief historical discourse and the quoted views of a commander in chief of the United States Fleet are set forth to show how closely the interests of the Naval Academy in matters pertaining to aviation instruction and indoctrination are affiliated with the interests of the aeronautic organization, an affiliation which reached, perhaps, the peak of its intimacy when members of the class of 1930 were called upon in January of their final academic year to submit applications for flight training at the fleet air bases and Pensacola.

The results of this call for applications for flight training were interesting. Approximately 70 per cent, or 281 members of the class, volunteered, with the net result that 173 of these successfully passed the required physical examination. While appreciable attrition has occurred at the fleet air bases and will occur at

Pensacola, it can be seen that the Naval Academy recently has made a substantial contribution to the aviation branch which will assist materially in the consummation of the 5-year program of expansion.

These results, in the opinion of the writer, naturally follow the policy which has brought flying into the Naval Academy curriculum and made it one of the established routine drills. By this means, aviation, as visualized by the midshipman body, is rapidly becoming shorn of such mystery and superficial glamour as it may possess, but interest remains and will always remain for youth so long as close contact with aircraft and aircraft operations is maintained. This policy likewise has permitted the aviation personnel engaged in training to become a permanent part of the institution they serve, an advantage denied aviation units attached to the Naval Academy in the past.

It will not escape attention that the time appointed for members of the class of 1930 to commit themselves in the matter of future aviation duty was a potent factor in bringing about such hearty response to the call for potential aviators. For obvious reasons the number of applications will fall off considerably with increasing time between graduation and eligibility for the course at Pensacola. It will follow in the future that a certain degree of control may be exercised which will make a partial reconciliation possible between naval aviation's flying-officer requirements and the number of available candidates.

The reaction of the midshipman body to the established course of flight training has made an interesting study. Prior to the conclusion of the summer course of 1930 a questionnaire was submitted to each member of the class of 1932 as a result of which the following data were obtained:

(a) Sixty-four per cent of the class of 457 members had never been in the air prior to the summer of 1930. Of the 36 per cent who had flown a great majority had less than one hour's previous flying time to their credit. In some cases individuals had as much as 40 or 50 hours. As might be expected, those of the greatest flying experience were least impressed by the course.

(b) Ninety-seven per cent considered themselves temperamentally qualified for aviation duty. It is believed that a majority of the remaining 3 per cent, who did not consider themselves so qualified, were influenced in this matter by a knowledge of physical defects.

(c) Eighty-three per cent expressed a desire to become naval aviators.

(d) Eleven per cent definitely stated that they did not desire to become naval aviators.

(e) Six per cent were in a doubtful state of mind as to the above.

(f) Ninety-three per cent stated that interest had been stimulated in aviation through the establishment of a flight-training course for midshipmen.

(g) Six per cent stated that the flight course had left them unaffected in their attitude toward aviation.

(h) One per cent (five midshipmen) stated that the flight course had given an unfavorable view of aviation.

(i) One midshipman expressed a desire for lighter-than-air training.

Based on the number of midshipmen of the class of 1930 disqualified for flight training by physical defects (34 per cent of applicants), it is estimated that at least 240 members of the class of 1932 and a similar number from 1931 will apply and be found physically qualified for the flight-training course at Pensacola provided they are called upon to commit themselves in this matter before graduation. While these figures may point to a future excess of probable requirements, a large potential reserve of flying officers is a healthy condition which will relieve any anxiety felt about filling the squadron complements of the new 10,000-ton cruisers, the projected aircraft carrier, and the carrier cruiser types which may become a part of the fleet in the future.

Before proceeding farther with a general discussion of aviation training, it may be well to outline the scope of this training at the Naval Academy, with particular reference to the flight course, in order that the reader may have an illuminated view of conditions existing there at present.

The following table shows the aviation ground subjects presented by various Naval Academy departments, the classes of midshipmen affected, and the approximate time involved:

Department	Subject	Class	Hours
Ordnance and gunnery.....	Bombing device (drill).....	1	2
Do.....	Theoretical bombing and aviation gunnery.....	1	4
Do.....	Machine gunnery on range.....	2	18
Do.....	Assembly, care, etc., machine guns.....	3	4
Engineering and aeronautics.....	Aviation-engine overhaul.....	1	5
Do.....	Theoretical internal-combustion engines and aero types.....	1	32
Do.....	Structure and rigging (practical).....	2	20
Do.....	Theoretical aircraft construction.....	2	32
Do.....	Test stand.....	2	20
Do.....	Aviation-engine overhaul.....	2	20
Seamanship and flight tactics.....	Aerology.....	1	8
Do.....	Naval aviation (Warlick).....	2	9
Navigation.....	Aerial navigation.....	1	10
Do.....	do.....	2	4
Electrical engineering and physics.....	Theory of flight.....	3	5



At the present time two naval aviators are attached to the department of seamanship and flight tactics and one each to the departments of ordnance and gunnery and engineering and aeronautics. In addition to the ground and classroom instruction duties performed by these officers as assigned by the departments to which they are attached, they are called upon during both summer and academic-year drill periods to act as pilots for the planes assigned to VN Squadron 8.

Three additional naval aviators are attached to the Naval Academy as the permanent officer complement of the squadron.

One flight surgeon, with additional Naval Academy duties, is in attendance upon the aviation unit during all flight drills.

The squadron's enlisted complement consists of 6 chief aviation pilots, 23 additional aviation and 28 general service ratings. For administrative purposes VN Squadron 8 is attached to the U. S. S. *Reina Mercedes* and depends to a large extent upon the facilities of that command to carry on its work. For drill purposes and all matters pertaining to the routine handling of midshipman flight groups the squadron falls under the jurisdiction of the department of seamanship and flight tactics.

The permanent aircraft complement of the squadron consists of seven VP and two VJ planes. At present four types of VP planes are in operation. Before the opening of the summer course in 1931 it is expected that the academy's complement of patrol planes will consist of units of a single type.

During the summer, when the entire forenoon periods are available for drill, two flight groups of approximately 20 midshipmen each are handled daily. The 12 weeks' course is so designed that each member of the class in training receives five hours' flying time, divided up as follows:

- One hour indoctrination, passenger flight.
- One hour engineering.
- One hour drift indicator.
- One hour drift computer and navigation (piloting by chart).
- One hour camera gunnery.

In the total four months of the fall and spring courses for the first class it has been found possible to average somewhat less than three hours flying time per individual. This is due to the relatively short afternoon drill periods and to adverse weather, which forces cancellation of flight on approximately 20 per cent of the available flying days. The duties assigned to the first-class midshipmen in the air are, in effect, a review of those of second-class summer. In view of the interval which elapses between a midshipman's first and final contact with the academy aviation unit, no extension or elaboration of the duties assigned second-class summer could be found profitable.

Under normal conditions four midshipmen are embarked in each VP plane, although in the fall and spring, when flight groups vary in strength as many as six have been flown in one unit at some sacrifice of comfort and time available for individual instruction and attention.

Let there be any speculation about the actual operation of planes in which midshipmen are embarked, it should be made clear that both pilot seats in VP planes are occupied by qualified aviators—one naval aviator and one naval aviation pilot. Under no circumstances are midshipmen permitted to handle the controls.

Of all considerations which bear on flight training at the Naval Academy, the element of safety is of paramount importance. No measure contributable to the safety of midshipmen in their work in and about planes can be neglected. Once confidence has been instilled it can be maintained and individuals schooled through the processes of evolution to regard aviation accidents in the field in the same light that automobile accidents are regarded. Midshipmen expect protection. They deserve it and it is believed that they receive a full measure of it at the Naval Academy, for they are not protected under the law as flying personnel in the aeronautic organization are protected.

Although effort is being made to indoctrinate groups of midshipmen in the details of the special appliances and instruments they are called upon to operate in flight, the time available for such indoctrination is necessarily brief. This particular phase of training is merely a desirable but incidental part of a scheme which has had, in its original conception, a much broader purpose in view.

If it is generally accepted that everything possible is being done at the Naval Academy to promote interest in aviation and to thus stimulate the flow of required applications for naval-aviator training, it should not be overlooked that the future strength and efficacy of the Navy's air arm must, in the final analysis, depend more on the support rendered from without, than upon the effort exerted from within, that branch.

An aviation unit based ashore may, under many circumstances, operate under war conditions as an independent and unsupported command but the aviator of the fleet does not belong to any such organization. If he is launched from the deck of a carrier or from the catapult of a battleship, cruiser, or possibly destroyer, he must feel sure that his floating command has not only complete knowledge of his equipment and its limitations, but also knowledge of his mission, and its means of execution.

This thought carries with it a corollary. It brings certain principles which guide us in our outlook upon naval aviation in our service into searching light. These principles are:

- (1) That aviation should remain in all respects an integral part of the Navy.
- (2) That the primary mission of naval aviation is to support, extend, and supplement the operations of the surface forces of the fleet.

(3) That it is the mission of the Naval Academy to turn out its graduates with a groundwork of educational fundamentals upon which experience afloat may build the finished naval officer.

A study of these principles, indicating clearly as they do that all naval aviators primarily should be naval officers, leads further to the corollary that all naval officers should be aviators; obviously, not in the literal sense but in the sense that service training and education should include, at some time, for all those not temperamentally, psychologically, or physically qualified for flying duties as pilots, a comprehensive presentation of aviation as a subject.

It is true that many of the elements which go to make up the subject of aviation are closely related to other branches of the profession. It is likewise true, however, that the sphere encompassing the interests of any one department can have no definite radius. There will always be a certain overlap of functions in any sound institution, educational or otherwise. It is the overlap which provides the place for the seam which binds the various pieces of fabric of our organization together. It is considered entirely consistent therefore, and compatible with our accepted principles, that the vital and essential structural engineering, ordnance, tactical, and navigational elements which are part and parcel of aviation should not be forever divorced from it to those who can not learn to fly or for whom there may be no immediate place in the aeronautic organization.

It is interesting to take note of the fact that the world power, whose flying personnel were landing on carrier decks as early as 1917, clings tenaciously to a separate aviation-service organization and maintains on a parity of importance with the naval and military cadet establishments an air-force cadet college at Cranwell. It is further interesting to note that the Royal Air Force provides, exclusive of naval-aviation observers, who were furnished by the fleet air arm, approximately 30 per cent of the operating aviation personnel for the British Navy. So much for the effort of the Royal Air Force for the navy. Now for the contribution of the navy to the Royal Air Force.

The following significant paragraph is quoted from the London Times of December 27, 1929:

"A reminder is given in current fleet orders that every effort is to be made to insure that all midshipmen undergo the junior officers' air course while holding that rank. The names of those who are unable to do so are to be specially reported to the Admiralty on discharge to shore courses in order that arrangements may be made for them to undergo the course after appointment as sublieutenant."

While no brief is held for the British organization it is desired to stress the point that, if we aspire to parity with England in all respects, it would appear desirable to introduce in our service certain educational principles connected with the subject of aviation that have been given extensive trial and that have not yet been discarded by one of the world's greatest naval powers.

We strive for parity, but parity after all can not be measured in terms of ships and tonnage. It can be gaged best by the qualifications of the men who man our ships. Success or failure, victory or defeat rests, in the final analysis, with the man behind the gun or the man behind the plane. The naval-aircraft pilot, without a guiding and understanding force behind him, becomes just as impotent in the air as a shell launched by erring hands and faulty eyes.

There is undoubtedly no art of practical application in war that has brought about so much controversy and divergence of studied opinions as the art of aviation. It is quite beyond the scope of this paper to attempt a reconciliation of these views nor could it be foreseen that any such attempt on the writer's part would be convincing or profitable. There is, however, one opinion, not infrequently heard, with which he would like to take issue; namely, the thought that, in principle, there are striking features of similarity between the submarine service and the aviation service. Aviation and its component parts occupy a unique place in the naval organization. The light or dive bomber substitutes for the secondary caliber battery. The heavy bombing plane carries a bomb load equivalent in weight to a 16-inch shell and thus takes the place of the major caliber rifle at ranges beyond the effective ranges of the main batteries of capital ships. The scouting plane extends the function of the cruiser; the torpedo plane, those of the destroyer. The observation plane elevates the ship's spotter from the fighting top to a position 10,000 feet above the target, and the fighter seeks control of the air in zones which fall beyond the range of antiaircraft batteries. These activities cover quite a scope. They involve the operations of many different types of craft having different characteristics, different weapons, and different missions. To be effective such activities not only require coordination with operations of all surface forces but the nicest coordination within the air effort as a whole. It is considered that aviation is not accurately gaged when its potentialities are summed up by comparing it with a specific type of surface or subsurface craft.

Under the present organization of the Navy we hold, and it is firmly believed will continue to hold, aviation as an inseparable part of the line. It is generally accepted by both the mature naval aviator and nonflying naval officer of to-day that aircraft, in whatever form, can not displace existing agencies of offense or defense. The airplane is a special instrument or weapon of opportunity, devised for special service, which combines in its elements structural features of detailed interest to many branches of the profession, but in so far as aviation is concerned, these details, in themselves, have little or no significance until their mutual relationship is understood. The flying officer, through the special education which he may unconsciously inherit as an aviator of



the fleet, looks upon aviation, as a service within a service, as but one means to an end. To other than aviation personnel, paradoxical as it may seem, the manner in which the elements of the subject are presented and displayed suggests that aviation is an end in itself. It is realized that a generalizing discourse may become involved and difficult to follow, with resulting confusion in the reader's mind as to the real substance of the idea the writer is attempting to convey. It may be well, therefore, to deal with this particular point in specific detail. Let us take, for example, the fighting plane. It is appropriate that we should select this type for our discussion, for it is the one type we can not do without. If there is any doubt about this, it must be clear that if we can not spot gunfire from the air we must deny this advantage to the enemy. A complete fighter, as it stands, has a power unit and engineering accessories of interest to the engineering branch. As interesting, however, as the modern air-cooled, water-cooled, or chemical-cooled aero engine may be to engineers, planes can not be built around these types. Ultimate requirements in the completed aircraft power unit of weight, frontal area, fuel consumption, reliability of operation in inverted and acrobatic flight, performance at service ceiling, and a vast array of other factors must be considered in relation to the useful load, strength factors, compactness, endurance, rate of climb, range of speed, and maneuverability of the plane itself. These matters are inseparably related to the problems of aviation.

Let us look into the structure of the plane proper. The materials of which it is composed must offer the maximum resistance to the weather, for it must be kept on deck, exposed to the elements for long periods. Its degree of ruggedness must be such as to withstand the shocks of arresting. Its over-all dimensions not only must be such as to meet the requirements of the type, but considerations pertaining to the simple structural features of span and length and height must be adaptable to the carrying capacity and appointments of the vessels from which it will operate.

Once a tentative plane and engine combination has been selected we are confronted with the problem of the ordnance load. For what possible overload should strength factors be calculated? Shall we design our fighter for normal bomb-carrying capacity of 80 pounds or should the bomb load be in excess of this figure? Should our ship carry an offensive armament of fixed guns only and be, thus, of the pure fighting type with everything sacrificed to performance? Shall we decide on a single-seat or 2-seat type? What is the limit of speed that can be tolerated for dive bombing? How abruptly can this ship be pulled out of a dive after such an attack?—matters in which personnel as well as material, considerations enter.

Even more involved material and tactical problems pertain to the VO and VS types of planes, in which provision must be made for amphibious chassis. These types launched from the catapults of battleships or cruisers must eventually seek a landing platform on the carrier deck. So in a normal cycle of operations the pilots of these types may become, in turn, part of a gunnery department, part of a squadron organization in a scouting group or spotting circuit, and temporarily part of a carrier's air department.

We have barely touched on a few of the many complex problems which attend the development of a single type of plane, problems which demand practical solution before our final choice of a preferred type can be made. The fleet is the only suitable proving laboratory. So the officers of the fleet become the final arbiters in this matter, and the technical and design departments are guided by their decisions. From many points of view, therefore, the aviation branch is a service within a service, although our fundamental principles prohibit its being regarded as such by the line officers of our Navy.

It may be profitable to project ourselves into the position of the commander, battle line. For him the force and direction of the wind during the approach, disposition, and deployment have taken on new and vital aspects. These may be the elements of paramount importance in the coordination of the air and surface offensive. The endurance of his observation planes, the proximity of their carrier-based protective fighters, the probable types and characteristics of aircraft employed by the enemy in the engagement are all factors which must be taken into account before the signal is made to catapult spotting planes. The VO's launched, the die is cast. To be too early is as dangerous as to be too late. A miscalculation in the time appointed for this operation may bring disaster in its wake.

An attempt has been made to show that the various elements of naval aviation are such closely related subjects that independent study of these elements can not result in a clarified and comprehensive picture of this branch of the service. It is clear that an aviation effort, which may involve the employment of six distinct types of planes capable of taking offensive or defensive rôles, must be coordinated within itself before it can become an effective part of the fleet.

The problems of defense against the many forms of aircraft attack remain matters of common interest to every line officer in the service. To frustrate such attacks two important agencies are available—the fighting plane and the antiaircraft battery. Shells fired from our ships must not be directed at friendly targets. So, apart from the need for improvement in the schemes of recognition, there should be definitely established zones where the antiaircraft battery rests and the fighter takes on the defense.

Responsibility for the solution of these and a multitude of related problems is not the heritage of flying officers, nor is it the heritage of nonflying officers. It rests with the line officers

of our service in whom must be amalgamated the qualifications of both.

It would appear desirable, therefore, that some educational scheme be devised for our officers of the future in which the many elements which form an inseparable part of the subject of aviation should be grouped, arranged in relative order of importance, and bound, first, under a coordinating head whose next duty would be to tie himself and those in his charge to the other established branches of the naval profession.

It is believed that the improvement of planes and of aviation safety devices and appliances may result ultimately in the modification of aviation's physical requirements. It is felt likewise that such discrepancies as exist between the physical requirements for admission to the Naval Academy and those for admission in the aviation branch should be so adjusted in the future as to make the fourth-class midshipman a potential aviator in the same sense that he is now a potential navigator or gunnery officer. In conjunction with this thought it would seem appropriate that the number of naval aviators on duty at the Naval Academy should bear the same ratio to the total number of line officers on duty there as exists between the total number of naval aviators and nonflying line officers in the service.

The advent of aircraft and the aircraft carrier has added to the complexity of naval operations. Increasing effort is demanded on the part of all naval officers to keep abreast of rapid developments and thus, if occasion demands, to be able to compete on better than equal terms with those who are devoting their lives to a specialized study of the subject of aviation and applying their talents in the navies of foreign powers.

Such thoughts as have been expressed in this paper which suggest the need for more intimate knowledge of aviation by nonflying officers can not be dissociated from the belief that officers identified with the air arm have corresponding need for increased knowledge of the other branches of the service.

As a result of operations conducted over a period of 18 months at the Naval Academy contacts with three classes of midshipmen have been made by VN Squadron 8. Through these contacts considerable light has been cast upon the effect of the introduction of a flight course in the Naval Academy curriculum. That this course has been, and will continue to be, effective in assisting the service to give the needed degree of personnel support to one of its important institutions there can be no reasonable doubt. The problem of the supply of officers best qualified to man the Navy's aircraft appears well on the way toward satisfactory solution.

A step which bids fair to produce a surplus of naval flying officers suggests the attending possibilities of a rotation of duties which will permit the future aviator more thoroughly to round out his education in the line. One additional step which will assist the nonflier more comprehensively to visualize aviation and its interlocked elements appears to be the final degree of support the Navy can give to the aviation branch of the profession.

#### RELIEF OF UNEMPLOYMENT

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Washington Post of Monday, January 5, 1931, entitled "Job Insurance Seen as No Drain on Nation," which is written by a recognized authority on that subject, a former chief of the Federal Bureau of Labor Statistics, Mr. Royal Meeker.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

[From the Washington Post, Monday, January 5, 1931]

**JOB INSURANCE SEEN AS NO DRAIN ON NATION—BOLD AND DRASTIC ACTION IS URGED TO ASSURE WORK—LOSSES DECLARED AS NOW FALLING WITH SMASHING FORCE ON EMPLOYERS AND EMPLOYEES ALIKE; INSURANCE SAID NOT TO ADD COSTS TO OUTPUT**

By Royal Meeker, formerly Chief Federal Bureau of Labor Statistics

The only cure for unemployment is employment. This sounds like saying the cure for illness is health; the way to be strong is to lift heavy weights every morning before breakfast; the way to be good is to avoid doing wrong.

There are, however, three major policies which may be inaugurated at once for the amelioration and prevention of unemployment.

First, is planning a consumption-production program in all industries for several years in the future so as to minimize or eliminate overproduction or underconsumption. This should include a more equitable distribution of the products of industry; that is, of the national money income.

Second, is stabilizing of the general price level; that is, the buying power of money.

Finally, there is the task of providing carefully planned, all-inclusive unemployment insurance to prevent unemployment as well as to care for the unemployed.

To make a start on any of the measures I have proposed requires a degree of knowledge, of cooperative spirit, and of authority, which are at present largely lacking. If the main framework of the existing economic order is to be preserved, these deficiencies must be supplied. If it is difficult to make a beginning, it



is even more difficult to carry through to a successful finish. But the evil of continually recurring unemployment demands bold and drastic action. Nothing worth doing is easy.

#### PLAN OUTPUT FOR CONSUMPTION

The measure of first importance is naturally the most difficult of all. All that can be attempted here is to emphasize the necessity of directing and controlling our work toward the end of gratifying our wants most effectively. The working out of the complete program will require years of careful research and experimentation.

A beginning, however small, has been made in the planning of production for consumption. These small beginnings should be supported and expanded as rapidly as possible to include all industries throughout the whole Nation and, eventually, the nations trading with us. This program is of tremendous difficulty and magnitude, but it is indispensable to regularization of business and employment. It calls for all the genius of organization and statesmanship among our industrial, financial, and political leaders. It demands the fullest understanding between employers and employees' organizations, the public and their representatives. The very difficulties in the way should stimulate our leaders to overcome them.

#### STABILIZE THE PRICE LEVEL

The reasonable stabilization of the price level is indispensable to the reasonable stabilization of business. Here again there must be clear understanding and complete cooperation between financial organizations and the public agencies. More progress has been made in theory and in practical application in this field than in either of the others. Numerous books and numberless articles have been written on the subject of stabilizing the price level. While it can not be proved statistically that price fluctuations precede and cause business fluctuations, nevertheless, price changes do affect business profoundly.

A consumption-production program would be very difficult or impossible to carry into effect without reasonably stable prices. A good beginning in monetary control has been made by the Federal reserve system, but it is only a beginning and there is serious danger that the feeble efforts already made may be repudiated by Congress unless business men act vigorously to support and strengthen the system. The completion of the task will be difficult, but it can and must be done, if socialistic and communistic experiments are to be avoided.

#### ASSURE AGAINST UNEMPLOYMENT

Unemployment insurance should be enacted primarily to prevent unemployment to take care of the unemployed. To avoid confusion fundamental terms must be made clear.

First, unemployment insurance is a means of distributing the losses due to business crises and depressions among all buyers of commodities, instead of letting them fall with smashing force upon unlucky individual employers and employees as at present.

Second, the fundamental principle of insurance is the distribution of losses among a large body of risk takers. Losses so distributed would cost the employers and insurance carriers nothing and the consumers who ultimately would pay the bill could detect no difference in prices, so slight would be the portion of expense falling on any one commodity.

#### WILL NOT ADD COST TO OUTPUT

Third, the notion that the whole cost of unemployment insurance will be an added cost upon production is absurd. This theory, which seems to be accepted by most employers without question, assumes that unemployment now costs nothing because no system exists to care for the unemployed. A national employers' organization has published a statement declaring that unemployment insurance would cost each year from \$195,000,000 to \$334,000,000. Possibly the costs would total those sums if unemployment were not reduced.

The total cost of insurance is of no importance. The difference between the cost of unemployment under the insurance plan and under no plan at all is of vital importance. We must quit deluding ourselves with the foolish fancy that unemployment doesn't cost us anything so long as we do not recognize it. Make no mistake. We are paying for unemployment and paying through the nose in taxes for maintaining our extravagant poorhouses, our ever present street beggars, our sporadic and prodigal outbursts of charity to keep the unemployed from starving and freezing, the colossal costs of inefficiency and "ca'canny" directly ascribable to unemployment and the fear of losing the job.

Even if unemployment insurance should add \$500,000,000 to the prices of all commodities, the whole Nation, including employers, would be the gainers. The total drain upon the national income would be substantially less than at present, but the greatest gain would be in the improved morale of workers freed from the fear of being thrown out of a job.

#### UNEMPLOYMENT AN ACCIDENT

Fourth, the unemployed eligible for insurance would consist of those alone who lose their jobs through business hazards and not through the workers' own fault. Unemployment is really an industrial accident or disease. In fact, it is the only truly industrial disability. One can fall ill or fall and break a leg at home as easily as at work. One is more likely to get killed or maimed by an auto on the highway than by an operation on the job; but the only way one can become unemployed is to lose his job. Unemployment is just as insurable as illness or traumatic disability. Unemployment insurance is not intended to pay workers for not working. Its most important effect is prevention. Unemployment

insurance will unquestionably act like workmen's accident compensation insurance to prevent the disability insured against.

It is no cause for regret that this country has not thus far resorted to unemployment insurance as a cure-all for unemployment. Insurance should be utilized only as one part of a completely rounded program to combat booms accompanied by hectic overemployment followed by depressions with underemployment and unemployment.

#### INVITATION TO CANCER RESEARCH SYMPOSIUM

Mr. RANDELL. Mr. President, will the Senator from West Virginia yield to me for a moment?

Mr. BORAH. I demand the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. RANDELL. Will the Senator yield that I may make a statement of one minute to invite the Members of the Senate to attend a meeting to-night at the Interior Building—

The VICE PRESIDENT. The Senator from Idaho has demanded the regular order. The Senator from West Virginia has the floor and will proceed.

Mr. RANDELL. Will the Senator from West Virginia let me make a brief statement?

Mr. GOFF. The Senator from Idaho has objected.

The VICE PRESIDENT. The Senator from Idaho has demanded the regular order.

Mr. GOFF. I think I shall have to proceed, Mr. President.

Mr. RANDELL. Mr. President, will the Senator from Idaho allow me to make a statement which will occupy just one minute, merely to extend an invitation to the Senate?

Mr. BORAH. I suppose the quickest way is to let the Senator from Louisiana make his statement.

Mr. RANDELL. I thank the Senator from Idaho. Mr. President, the National Institute of Health, in cooperation with Johns Hopkins University, the Department of Embryology of the Carnegie Institution of Washington, and the Chemical Foundation will hold a cancer symposium to-night in the auditorium of the Interior Department. I am authorized by the Surgeon General of the Public Health Service to invite Members of the Senate to attend that symposium.

Many new developments in the fight against cancer will be presented to the public. One of the features of this symposium will be the showing for the first time of moving pictures of the human cancer cell growing outside of the body. The importance of this feat in connection with cancer research is incalculable. Moving pictures will also be shown of animal cancer cells. There will also be a demonstration of a new dye and technique used in staining suspected cancer tissue for microscopic examination.

The speakers will include the Surgeon General of the Public Health Service, Dr. Hugh S. Cumming; Dr. Joseph Colt Bloodgood, director of the Garvan Cancer Research Laboratory of Johns Hopkins Hospital, and his assistant, Dr. Charles F. Geschickter; Dr. Carl Voegtlin and Dr. J. W. Schereschewsky, of the National Institute of Health, who have done much cancer research; Dr. Warren Lewis, of the Carnegie Institute of Embryology; and Dr. George O. Gey, who was able to grow the human cancer cell outside of the body in collaboration with Doctor Lewis at Johns Hopkins Hospital.

The growing of the human cancer cell outside of the body and the discovery of the new dye and method of staining suspected cancer tissue for microscopic examination was made possible by funds supplied by Francis P. Garvan, president of the Chemical Foundation, who has also made a contribution of \$100,000 for research to the National Institute of Health.

#### FEDERAL POWER COMMISSION

The Senate being in executive session,

Mr. GOFF resumed and concluded the speech begun by him yesterday, which follows entire:

Wednesday, January 6, 1931

Mr. President, on yesterday, January 5, the Senator from Montana [Mr. WALSH] moved that the vote of the Senate, taken on the 20th of December last, by which



the Senate advised and consented to the nomination of George Otis Smith as a member of the Federal Power Commission be reconsidered and that the President be requested to return to the Senate the notification of the action of the Senate in relation thereto. Strictly, legally, and logically considered, there was no relevancy whatever to the immediate subject matter in general discussion which was engaged in by the Senator from Montana and other Members of this body. If the Senate does not have returned the papers and the advice and the consent relating to this nomination, the Senate is lacking jurisdiction, so to speak, to consider the question which is involved in the motion of the Senator from Montana. Therefore, if there is no jurisdiction as yet attaching to the motion, what relevancy or propriety is there in the discussion of facts which may or may not at any time come before the Senate for consideration?

It was stated by the Senator from Montana—and I intend to reply to some of the statements of fact before taking up the legal contention here involved—that there must have been some power higher up that seemed to control and direct the movements of the Power Commission, consisting of the three duly appointed, confirmed, and qualified commissioners as the law here describes them.

It was stated yesterday, in an article from the St. Louis Star, introduced by the Senator from Montana [Mr. WHEELER], that there could be no question that the direction which it was assumed was given to these commissioners came from the President of the United States; and those who have been engaged in this discussion, and who have frequently said that there was a power "higher up," unquestionably had in mind that the President of the United States had assumed to direct and control the organization of this commission.

Mr. President, I am absolutely and directly informed that the President of the United States has neither directly, indirectly, or otherwise assumed or attempted to influence this commission or to reach or control the mental operations or the judgment of any member thereof.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. I do.

Mr. BROOKHART. I should like to ask the Senator if he has any information as to whether or not the Secretary of the Interior used any influence in this matter.

Mr. GOFF. My information is that not only did not the President attempt anything of this character but that none of the representatives of the President in their executive or in their personal capacity attempted to reach and make suggestions that would have the effect of controlling the minds of this commission or directing their actions. I am informed, Mr. President—and I state the source of my information—Mr. Smith informed me this morning that he had not only never discussed this matter with President Hoover but that he had never had any contact with anyone who was in a position to speak for President Hoover or who had any authority to express, reflect, or represent his views in reference to such a matter. He further informed me that he had never at any time seen fit or been actuated or motivated by a desire, a purpose, or inclination to approach the President upon a matter of this character.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. GOFF. I do.

Mr. KING. The Senator having mentioned the conversation with Mr. Smith, I hope it will not be impertinent if I ask another question.

Mr. GOFF. The Senator can ask me any question he desires. None of my conversations with Mr. Smith or anyone concerning this subject are private or confidential. There is not a thing that transpired between us that the Senate is not entitled to hear and know and have fully discussed.

Mr. KING. With the assurance of the Senator I should like to ask whether Mr. Smith informed the Senator the

reason for the haste, which many believe was an indecent haste, upon the part of Mr. Smith and his two associates, in convening the commission, which eventuated in removing these men from office.

Mr. GOFF. I will say, Mr. President, in answer, that I did not discuss that phase of the question with Mr. Smith; but I did discuss that phase of the question with Mr. Draper and with Mr. Garsaud. I will now divert for just a moment from the statement of facts to a legal proposition in order that the direct answer to the question of the Senator from Utah may be responsive in a brighter and more intellectual light.

I now read from Calendar No. 378, Report No. 378, the report of the Committee on Interstate Commerce which was filed on April 11, 1930. This report was submitted by the chairman of the Committee on Interstate Commerce, the Senator from Michigan [Mr. COTZENS]. It expressed the views of the committee, and clearly set forth what was in the mind of every person on that committee; and I desire also to say, Mr. President, that it is all within my recollection, because I am a member of the committee. He said, at the bottom of page 2 and the top of page 3:

Your committee believes and has recommended in this legislation that the commission should be permitted to request the President to assign or detail engineers from the departments for positions in the field service of the Power Commission, or, in other words, for work outside the District of Columbia. The committee feels that a competent and full-time staff should be organized for the work in Washington, and that this staff when organized should be permanently in the control of the Federal Power Commission. In this way the Power Commission will have no difficulties with changing personnel in Washington, which might result under another plan and which might invite a faulty organization suffering from the same disabilities that now exist.

What did that language mean, Mr. President, and what did it signify in the light of the testimony and the evidence adduced before the committee? It meant that these gentlemen to whom reference has been so frequently made—Mr. Bonner, the executive secretary; Mr. King, the expert accountant; and Mr. Russell, the general counsel of the Power Commission—had all of them been before the Interstate Commerce Committee. They had been examined, and it was developed beyond the peradventure of a reasonable doubt that these men who had been representing the three Secretaries who were then composing the Power Commission were at swords' points; that they could not agree; that they were ranting and wrangling all the time; that they were each and all of them advancing separate, distinct, and different conceptions of the functions of the Federal Government relative to the power companies and in reference to the development of power in the different States of the American Government; and when the Committee on Interstate Commerce came to the conclusion that these men were not in harmony the committee in its report made use of the language to which I have just called attention.

Mr. WHEELER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. GOFF. I yield.

Mr. WHEELER. I understood the Senator to make the statement that because of the fact that there was a divergence of opinion up there, all the members of the committee felt that all of these men should be fired. Is that what the Senator intended to imply?

Mr. GOFF. No; I do not say that. What I do say and repeat is that it was in the minds of all of the members of the committee that there was a distinct lack of harmony in the executive organization of the Power Commission.

Mr. WHEELER. Yes; but let me call attention to this fact, so as to keep the record straight: There was in the minds of the committee, without a question of a doubt, the feeling that Mr. Bonner should not be retained by the commission. I think that was practically unanimous; but never was a word expressed in the committee, to my knowledge—and I think I attended every committee meeting at which the matter came up—as to the idea that King or Russell should be discharged. On the contrary, I think I am safe



in saying that a majority of the committee were shocked when they found that King and Russell had been discharged in the manner that they were. I think the Senator himself will agree with the statement that the members of the committee were shocked.

Mr. GOFF. The Senator from Montana has very clearly indicated his views and his vision and his recollection; and his suggestions give me a very happy, and at the same time only in spots a dismal, picture of all that we, as members of the committee, went through with in the examination of all these people. I do not understand that the record will show that there was any open advocacy on the part of the committee that the men should be discharged. I do understand—and I am going to hurry along in epitomizing the conclusion, because I want to get to the question of the Senator from Utah [Mr. KING]—that there was a distinct disapproval upon the part of the committee of the attitude which had been assumed by these different men, constituting the executive force or staff of the commission, in their disagreements over matters of policy and over constructions of the law.

Some members of the committee, I want to say to the Senator from Montana, expressed to me that they did not feel that these gentlemen—Russell, King, and Bonner—were loyal to each other. They said that they thought there was in existence a widespread, malicious jealousy upon the part of these men; that each one was striving for place, and that each one was fighting for position; that in order to effectuate that purpose they were each and every one of them suppressing certain facts from the other, and that they did not consider that these men were loyal in any sense of the word to the Power Commission as it was then composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. The view was expressed by many of the members of the committee that they did not see their way clear to approve of a commission that would be harassed and stigmatized by what one member of the committee said to me is "the double-crossing, triangular, infectious traitorism" of some of the men composing the executive staff of this commission.

I will say to my friend the Senator from Montana that the question was propounded to the gentlemen appointed by President Hoover to this commission whether they felt that they would retain Mr. Bonner. I recall that when that question was propounded to Mr. George Otis Smith he very uniformly, and I think most properly, stated that he did not consider that it was within either his judicial discretion or his executive official power to anticipate a supposititious condition which was not properly before him, and then say in advance what he would do with reference to a matter of that kind. The other members of the commission were asked similar questions, and of course made similar answers.

What was the next step in this legal creation of the commission? It was that in the act itself language was used which was called by the senior Senator from Michigan [Mr. COUZENS] to the attention of the senior Senator from Montana [Mr. WALSH], as follows:

That the commission shall have authority to appoint, prescribe the duties, and fix the salaries of a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant, and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions, and fix their salaries in accordance with the classification act of 1923, as amended.

That was the legislative legal language used in the act, and that language justified, in the light of the testimony taken, the conclusions which were reached by the committee when the chairman thereof expressed, in the report to which I have just made reference, the views entertained by the committee at that time with reference to these men.

Mr. President, let me make this statement; and I am glad that the two distinguished Senators from Montana are in the Chamber. It is my understanding that none of these men have been discharged in the sense that the language indicates by virtue of any personal action upon the part of the commission.

This commission was informed, as the record shows, that by act and operation of law the old commission was wiped out, that a new commission was appointed, and that this new commission so appointed was a commission charged with the duty of clearly and without any question bringing to the attention of all of the men constituting the executive staff under the commission, the force and effect of the language used in the act creating it. I now desire to read the report which was made by the chairman, Mr. George Otis Smith, on December 22, 1930:

An informal organization meeting of the three members of the commission who had taken the oath of office was held on Monday evening, December 22, 1930. There were present Commissioners Draper, Gausard, and Smith. The chairman was instructed to issue the following notice to the civil-service employees of the Federal Power Commission:

"In connection with the organization of the Federal Power Commission as provided in the act of June 23, 1930, it is understood that your services automatically terminated on December 22 with the going out of existence of the commission under which you have been employed."

Obviously, Mr. President, there is nothing in this statement or in any of that language which indicates either personal desire or personal action in discharging, as the charge has been made here, the three men in question, as well as the civil-service employees of this commission.

Mr. BROOKHART. Mr. President, will the Senator yield to me?

Mr. GOFF. I yield.

Mr. BROOKHART. It is reported in the newspapers and otherwise, too, that, aside from this record which was made, Mr. Smith notified these two employees, King and Russell, that they would not be reemployed. The Senator has talked with Mr. Smith. Perhaps he can tell us about that.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GOFF. Will not the Senator wait until I answer the question of the Senator from Iowa?

Mr. WHEELER. I was going to call the Senator's attention to a matter in line with the question just asked.

Mr. GOFF. Very well.

Mr. WHEELER. I was going to say, in line with what the Senator from Iowa has said, that the papers also made the statement that McNinch, one of the commissioners, offered a resolution suggesting that these men should put in their applications for reappointment, and my understanding of the matter is that not only did Smith write this letter, but, in addition to that, he did tell at least one of the men who was discharged that he need not ask to be reappointed, and served notice upon one of the other officers up there that unless he behaved he would be likewise fired.

Mr. GOFF. Mr. President, I will say, in answering the questions propounded by the two Senators, each respectively, that my reply will be a general statement of the facts as I know them. I have never heard any authentic statement coming from any of the five commissioners to the purport and effect of what has just been stated by my two distinguished friends. It is my understanding that these gentlemen of the commission never at any time issued any such orders or gave any such instructions.

My colleagues in this body will, of course, appreciate that when I use the word "hearsay" I am not casting reflections upon the sources of the statements in their possession. I am using it in the strict legal sense, that it represents some idea plus all of the exploded imagination in the world which the man uttering the statement is capable of developing.

Mr. WALSH of Montana. Mr. President, will the Senator be able to give us any information concerning the accuracy of the report that these gentlemen have been invited by the commission to make applications for reinstatement?

Mr. GOFF. I was coming to that; but I will divert right now and answer the question.

I had a conference with the members of the commission this morning. My conference with Mr. Smith was over the telephone. My conference, at my request, with the other two members, Mr. Garsaud and Mr. Draper, was a personal interview.



The three gentlemen agreed upon the answer which I shall now make. They said, as I shall subsequently read, that they had never at any time personally discharged these men, or notified these men that because of any attitude upon their part their services with the Power Commission were terminated. They stated that they had informed each of these three men, whose names I shall not now again repeat, that it was within their power, that it was their opportunity and their privilege, to file applications for reappointment to the executive staff of this commission. They added that Mr. Russell had filed his application for reappointment, that Mr. King had filed his application for reappointment, and that Mr. Bonner had declined to have anything whatsoever to do with the Power Commission as now constituted because of the criticism by the members of the Interstate Commerce Committee and others, and that he had also said that he would now seek employment in some other occupation. They said that in the different letters which had been received, some of these gentlemen—Mr. King and Mr. Russell—had asked for an increase in salary, that the salary previously provided was \$7,500 a year, and that they had asked for an increase to \$8,000. They wanted \$8,000, representing an increase of \$500 over what they had been receiving.

Mr. WALSH of Montana. Mr. President, the Senator has not answered my question at all. I asked him whether the statement published in the papers was accurate that these men had been invited by the commission to apply for reappointment.

Mr. GOFF. I did answer that question. I said "yes," that they had been told that they were not discharged by the commissioners, and that they could apply.

Mr. WALSH of Montana. The Senator said that; but the question I asked was not that at all. I asked whether they took any action inviting these gentlemen to apply.

Mr. GOFF. The Senator means whether or not the commission as a commission has acted upon the applications of these three men up to the present?

Mr. WALSH of Montana. No; I do not mean that at all. That is not my question. The Senator ought to understand it. I did not ask whether they had been discharged or how they had been separated from the service. I asked whether the statement that they had been invited by the commission to apply was an accurate statement.

Mr. GOFF. I understand it is.

Mr. WALSH of Montana. When was that action taken by the commission?

Mr. GOFF. I understand that action was taken by the commission some time between the 27th of December and possibly the 2d day of January.

Mr. WALSH of Montana. Is there a record of that?

Mr. GOFF. I think there is some record of it. I do not know whether I have it here or not. I will develop that question further in going through the papers upon that matter.

Mr. WALSH of Montana. Of course, we have in the documents I put into the RECORD information concerning the conditions under which they were separated from the service.

Mr. GOFF. Yes; in the letters between the Senator and Mr. Smith.

Mr. WALSH of Montana. Exactly. I was wondering what the fact was as to their subsequently having been invited to apply. I would be glad to be informed as to whether or not that statement is correct.

(At this point Mr. Goff yielded the floor, that the special order for 2 o'clock might be proceeded with; and after the special order was disposed of, he resumed his speech.)

Mr. GOFF. Mr. President, when the proceedings terminated at 2 o'clock as in executive session I was discussing the question by what provision of the law rather than by what action upon the part of the Power Commission the members of the executive department of the old commission were said to have terminated their service. I want now to refer to the act from which I was then quoting, which is the act to reorganize the Federal Power Commission. Turn-

ing to section 3 of said act approved June 23, 1930, I find that section 3 reads as follows:

Notwithstanding the provisions of section 1 of this act, the Federal Power Commission as constituted upon the date of the approval of this act shall continue to function—

That, Mr. President, is the commission consisting of the executive heads of three departments of the Government—the War Department, the Interior Department, and the Department of Agriculture. They shall—

Continue to function until the date of the reorganization of the commission pursuant to the provisions of such section. The commission shall be deemed to be reorganized upon such date as three of the commissioners appointed as provided in such section 1 have taken office, and no such commissioner shall be paid salary for any period prior to such date.

Now, the question very properly arises, what was the effect of this language upon the organization of the old commission which functioned until three of the commissioners appointed under this law had qualified and taken their office? What could be the effect upon the old organization? It was terminated by act and operation of law; there was nothing that could possibly continue it if this express language means exactly what it says. Section 4 reads:

SEC. 4. This act shall be held to reorganize the Federal Power Commission created by the Federal water power act, and said Federal water power act shall remain in full force and effect, as herein amended, and no regulations, actions, investigations, or other proceedings under the Federal water power act existing or pending at the time of the approval of this act shall abate or otherwise be affected by reasons of the provisions of this act.

Mr. President, at the time the argument was interrupted this morning I was referring to the informal organization of the Power Commission, and I was reading the notice which Commissioners Draper, Garsaud, and Smith, acting as such commissioners, after they had qualified under the act creating the commission, instructed the chairman to issue to the civil-service employees of the Federal Power Commission as follows:

In connection with the organization of the Federal Power Commission as provided in the act of June 23, 1930, it is understood that your services automatically terminated on December 22 with the going out of existence of the commission under which you have been employed.

They could have issued no other notice or instruction than what was issued. In doing that, Mr. President, they were not actuated by any personal wish, motive, or desire, and if their purposes had been diametrically opposite from what they have expressed them to be, then they would have absolutely disregarded the law which relates to this question. The notice further states:

In line with the authority contained in the above-mentioned act, the commission will proceed later to appoint such officers and employees as are necessary in the execution of its functions as soon as it can be determined what personnel is required. In the meantime, the Civil Service Commission has been requested to authorize your temporary employment to not exceeding 30 days. By order of the commission.

The chairman was instructed to address letters to the former executive secretary, the solicitor, and the chief accountant, and Messrs. Bonner, Russell, and King, as follows:

In connection with the organization of the Federal Power Commission as provided in the act of June 23, 1930, it is understood that your services automatically terminated yesterday with the going out of existence of the commission under which you have been employed.

The Senator from Montana [Mr. WALSH] and the Senator from Utah [Mr. KING], each of them, addressed questions to me this morning involving the very matter which is answered by the legal construction and meaning of this act of Congress. These men were not put out of office by the commissioners after they qualified; they had no authority to put them out of office.

The men went out of office automatically the moment these three commissioners took the oath of office and qualified. The moment they had qualified to the extent that they could have exercised such official or personal action, these men that they are now charged here in debate with having put out of office, were already out of office by act and operation of the Congress of the United States. My answer to



the suggestion that was made in the debate here to-day that these men were put out of office by the Power Commission is that they were not affected by anything the Power Commission could do, because they no longer held office when the Power Commission was authorized to function. It would have been futile for the commissioners to have discharged men who were separated from the commissioners contemporaneously with their qualifications.

Mr. BRATTON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Mexico?

Mr. GOFF. I yield.

Mr. BRATTON. Is it the understanding of the Senator from West Virginia that all the employees of the former Federal Power Commission, except the three, Bonner, King, and Russell, have been employed by the new commission?

Mr. GOFF. I do not think that they have been employed. The Civil Service Commission was asked to allow their services to continue for a period not exceeding 30 days.

Mr. BRATTON. Let me state my question in this way: Is it the understanding of the Senator from West Virginia that all the employees of the former commission, except Bonner, Russell, and King, are now serving the new commission?

Mr. GOFF. That is my understanding.

Mr. BRATTON. Then, by indirection, the new commission has done exactly what is charged, namely, it has dispensed with the services of these three and has availed itself of the services of all the others?

Mr. GOFF. It has not dispensed with the services of these three men in the sense in which the Senator propounds the question. It has simply said to these three men that, because by act and operation of law their connection had been severed with the Power Commission, they could apply, if they desired, for reappointment. The commission could not reappoint these men unless there had been an application for reappointment, and the commission has not, as I understand, up to the present time, reappointed them or appointed anyone. In fact, the commission has not even requested anyone to serve or taken any steps whatsoever to select anyone.

Mr. BRATTON. Let me couch my question in other language. The new commission has availed itself of the services of all of the employees of the old commission except Bonner, King, and Russell?

Mr. GOFF. So I understand.

Mr. COUZENS. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I should like to get an answer to my question directed to the Senator from West Virginia.

Mr. GOFF. They have not, I will say to the Senator from New Mexico, refused to reappoint these three men, but they have informed them they could apply for reinstatement.

Mr. BRATTON. That is not an answer to my question.

Mr. GOFF. It is an answer to the Senator's question for this reason: By act and operation of law these three men who constituted the executive staff of the commission were out of office.

Mr. BRATTON. I understand that.

Mr. GOFF. The commission notified them that by act and operation of law they were out of office. The Power Commission also notified the Civil Service Commission that the thirty-odd people employed in inferior positions could be continued, with the consent of the Civil Service Commission, not of the individuals, for a period not exceeding 30 days.

Mr. BRATTON. Certainly; but, to sum up the situation, the new commission has availed itself of the services of every employee of the old commission except Bonner, King, and Russell.

Mr. GOFF. It has indirectly done so. It has not directly employed any of those in the civil service.

Mr. BRATTON. I understand that; but does the Senator from West Virginia think it happened by accident that the commission acquired the services of all of the old employees except Bonner, King, and Russell?

Mr. GOFF. Not altogether by accident; but, if the Senator were in the Chamber this morning when the matter was being discussed—

Mr. BRATTON. I was.

Mr. GOFF. I was then referring to the attitude of the Interstate Commerce Committee relative to the disagreements, the bickerings, and the insubordination of these three men each to the other.

I will further say that it was generally asked of different nominees to the commission if when they were confirmed by the Senate, if such should be the case, would they agree not to employ some of these persons, and that the nominees, including the three commissioners who have qualified, said that they did not consider that that was a fair or proper question to submit to them in advance of their being appointed to their respective positions, and they declined to answer. Then, when they duly took possession of their office, they knew the general attitude of the Interstate Commerce Committee toward these three executives who constituted the staff, and they gave them notice that they had been removed by act and operation of law, but that they, as well as others, could file a request, if they so desired, for reappointment. Two of the men have done so, but Mr. Bonner has declined, stating that he will seek employment elsewhere.

Mr. BRATTON. I understand all that. Although the commission may have employed a technicality of law under which it now asserts that these men went out of office—that is to say, that their employment expired by operation of law—it seems to me that the statement contained in the letter from Doctor Smith addressed to the Senator from Montana [Mr. WALSH], "I for one intend to have a staff that will work together on the matters before the commission, but recently that has been impossible," refutes all thought that the commission let those employees out in response to a technicality of law. They were dismissed from the service, although by a technicality of law, because of their attitude, and for the commission to argue otherwise now merely begs the question.

Mr. GOFF. Now let me make this statement in answer to the Senator: He assumes in his question, as the motive prompting him to propound it, that it was the desire of some members of the commission—Mr. Smith, for example, from the letter from which the Senator has read—not to reappoint these men. He had nothing to do with their removal. The act under which Mr. Smith took his position as chairman of the Power Commission had in its express legal purport removed these men from office. I have explained that feature. These men were no longer in office, regardless of what the wishes and inclinations of the other members of the commission might be. If they were not in office, what was the meaning of the language used in the report of the committee, from which I again read a sentence:

The committee feels that a competent and full-time staff should be organized for the work in Washington, and that this staff when organized should be permanently in the control of the Federal Power Commission.

The Committee on Interstate Commerce, in preparing and submitting this report to the United States Senate, had in view the terms of the law as I have read the provisions of the act creating this commission. They knew that these bickerings existed, and they desired to eliminate such a condition from the Federal Power Commission.

Mr. BRATTON. In other words, they wanted to get rid of these three men, and they adopted that method to do it.

Mr. GOFF. I would not say that. The law in the act itself removed these men, and the Senator knows it.

Mr. BRATTON. They wanted the other employees continued, and they adopted that method to continue them.

Mr. GOFF. I would not say that they wanted to get rid of these three men; no. I would not concede that for one moment. Why should we continue this quibbling?

Mr. BRATTON. They certainly knew how to continue them. They did not elect to do so. Why not?

Mr. GOFF. They could not have continued these three men by appealing to the commission itself. They could not



have done that; and they could not have done it, of course, by referring the matter to any other body.

Mr. BRATTON. The Senator will concede that the new commission knew how to avail itself of the services of King and Russell if it had wanted their services.

Mr. GOFF. I do not think these three men could have properly done so at the time this action was taken, because the other two members—Mr. McNinch, of North Carolina, and Mr. Williamson, of California—were not here. Those gentlemen had not taken the oath of office at that time, because, as you recall, Mr. McNinch, of North Carolina, took the oath of office on December 27, and Mr. Williamson took the oath of office on the 31st day of December.

Mr. BRATTON. The three constituted a quorum for the purpose of issuing the notice and for the purpose of requesting that other employees be assigned to the commission.

Mr. GOFF. Is the Senator propounding to me this query: "Was there the legal authority at that time, with only three men constituting a quorum, having qualified, to reinstate these men?" Does the Senator propound that question to me?

Mr. BRATTON. No.

Mr. GOFF. If that is the Senator's question, my answer is in the affirmative.

Mr. BARKLEY. Mr. President—

Mr. GOFF. But I do not understand that the commission ever for one moment felt that in justice to the two other commissioners, who had been confirmed by the Senate but had not taken the oath of office, it was a fair step to take in their absence to have these men reemployed. These two absent members had been questioned by the committee as to their attitude, and it would not have been fair or ethical to have taken any action on this question in their absence.

Now, I desire to make one further statement, that the Senators may have it in mind:

When these general considerations were before the Interstate Commerce Committee, and the conduct of this executive staff was developed and gone into, if I may use two short terms to denominate their position, it was this:

Mr. Bonner, so to speak, was standing as the outward representative, as he was called, of the so-called power interests. The other two men, Mr. King and Mr. Russell, were supposed to be men who represented the so-called consuming interests.

Mr. BRATTON. Yes; I believe that, and I think that was the very cause of the action taken. How does the Senator account for the fact that Mr. Smith, immediately after the action was taken, explained such action of the three by saying that it was to terminate friction on the staff?

Mr. GOFF. I have no fact or evidence to justify that statement. My explanation, if it was said, is, putting myself in Mr. Smith's place and being quick about it, would be this: That Mr. Smith said, "Here is Mr. Bonner. What does he stand for? He stands for the power interests that are involved in the issues that will come before us. Here are these other two gentlemen, Mr. Russell and Mr. King. What do they stand for? They stand, strictly speaking, for the consuming interests that will be before this body. Must we have men to advise us, must we have men to do our work, must we have men to whom we will delegate the determination of certain issues as they arise in the light of the law as they can determine it, who are not impartial? Must we have men who, in their very leanings, produce friction here? Or should we, in the exercise of that impartial discretion which approaches the exercise of a judicial power on the part of this commission, have men who are fair and impartial?" Obviously no lawyer would select a jury composed of such views or which entertained such opinions in advance of receiving any evidence.

Mr. BRATTON. I think the Senator has touched the crux of the whole matter. King and Russell were dismissed because they had advocated the views of the consuming public in the country. They were penalized by this commission for that, just as the Senator from West Virginia has said; and that is the issue that the Senate must determine now—whether or not it stamps its approval upon that action.

Mr. GOFF. I can not understand why the Senator will continue to assert that the commissioners dismissed these men. Why does he not say we, the Senate, did it in passing the law which creates and controls the commission?

Mr. BRATTON. I will explain it.

Mr. GOFF. I stated to the Senator a moment ago that before these commissioners had the opportunity to exercise any power or discretion whatsoever they had to take the oath of office under the appointment naming them, and the very moment that they took that oath the three members of the executive staff then and there were automatically, by act and operation of law, removed from office.

Mr. BRATTON. I will explain it to the Senator if he will permit me to do so.

Mr. GLASS and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER (Mr. Fess in the chair). To whom does the Senator yield?

Mr. GOFF. I am yielding to the Senator from New Mexico.

Mr. BRATTON. I will explain it to the Senator.

Mr. GOFF. Certainly.

Mr. BRATTON. This staff, technically speaking, may have been legislated out of office. The commissioners understood that, and we understand it. The commission knew how to continue the services of the entire staff, including King and Russell, if it had wanted to do so. It knew how to avail itself of the services of the other employees, and elected to do so, and has had their services ever since. It knew how to dispense with the services of these two, and it did that by failing to ask that they be assigned to the new commission.

It is a play upon words to say that these employees were legislated out of office and that the commission had no discretion in the matter. The commission knew how to get the services of these two men if it wanted them. I agree with the Senator, as he said just a moment ago, that the new commission did not want these two men because they had advocated the views of the consuming public throughout the country. That is the question addressed to the Senate.

Mr. GOFF. I will say to the Senator that I did not say what the Senator says I did, namely, that the three commissioners did not want these men on their executive staff. I told the Senate how my mind would have worked if I had been there. I did not say that I knew what motivated these three commissioners.

Now I shall proceed further and make reference to this state of affairs:

The Senator from Utah [Mr. King] interrupted this morning with this query, which the answering of all of the many questions which have been propounded has prevented my discussing: "Why did these three commissioners feel that it was necessary for them to take the oath of office so soon after they were confirmed?"

I have studied that question; I have asked many questions concerning it; and I want to say to the Senator from New Mexico and the Senator from Utah that this is the best information and answer that I can obtain:

The law itself, as I have read the law, said that when a majority—that is, three commissioners—qualified, the old commission should be functus officio, and go out of existence. Two of these commissioners tell me that they were very anxious to leave the city of Washington and go to their respective homes. I refer to Mr. Garsaud, of Louisiana, and Mr. Draper, of Wyoming. They stated that they felt that until they had qualified as commissioners they did not care to go to their homes and resign their State positions or close up their business affairs. Mr. Draper was a member of the power commission in the State of Wyoming; and he said that he did not care to go out there and close up all of his personal affairs and sever his connections once for all with the State of Wyoming until he knew, and until he could say that he was qualified and acting as a member of the Federal Power Commission. Mr. Garsaud informed me that he had to go down to Louisiana and sever all of his professional relations there and all of his business con-



nections, and that he had no desire to do so until he was definitely a member of the commission.

Then I propounded this question to these men: "Was it not a fact that you saw in this law the direction that the old commission was to go out of existence the moment three men qualified under the new commission, and that it was your duty, after you had taken the oath of office and received your commissions from the President of the United States, countersigned by the Secretary of State, not to sit idly by, but to proceed to function and discharge the duties that you had then assumed?" They said that such was the case. They said, furthermore, that they desired to take no action that would in any way embarrass their associates; that they did not desire under any circumstances to do a thing that would embarrass Mr. McNinch—this was on the 22d day of December, 1930—and that they did not care to do anything that would in any way embarrass their other associate, Mr. Williamson. So what did they do? They left these matters in abeyance; and that very night, the 22d, according to the information in my possession, Mr. Draper left for the State of Wyoming; and Mr. Garsaud had all of his arrangements made to leave for the State of Louisiana, and then was prevented by some personal matters, outside of any of his official connections, from going to his home.

Mr. BARKLEY and Mr. WHEELER addressed the Chair. The PRESIDING OFFICER. To whom does the Senator yield?

Mr. GOFF. I yield to the Senator from Kentucky. Then I will yield to the Senator from Montana.

Mr. BARKLEY. Mr. President, I desire to inquire whether there was any situation existing in the commission or any emergency that required three of these commissioners to take the oath of office and qualify until all five of them could qualify and take action as a whole?

I have examined the law and I find no provision there as to when the old commission shall go out of business and the new one shall start, except that when three of them have qualified by taking the oath of office they may organize. There was nothing mandatory, however, that required the three members of the commission to take the oath and qualify prior to the holidays, when only three were present, rather than to wait until after the holidays, when all of them would be present, and action would be taken by the whole commission.

Mr. GOFF. My answer to the Senator is this: He asks a question which is, of course, hypothetical. There is no provision in the law that says that the commissioners must qualify on or before a certain day. These gentlemen were in the city, except Mr. McNinch, it is true. Mr. McNinch, I understand, left Saturday night, the 20th, on the late train for North Carolina.

I do not know when Mr. Williamson left for California. These men were here. They received their notice. They were appointed by the President. I am told that they went to the office of the Secretary of State late on Monday afternoon, December 22, and made inquiry there as to whether they could legally take the oath and qualify, and they stated to me that they were informed that they could. I can not tell who administered the oath. That is a query I did not propound to them. They then took the oath, with the understanding that two of the men who did not live here would go to their respective homes, and that Mr. Smith, who did live here, would remain here.

To answer the Senator's question more directly, he says to me, "Why did they do it?" I suppose that partakes somewhat of the contagion of a mental duty or an individual desire. Sometimes we call it mob psychology when men get together and do a thing because they are in a mass. If these men had not been here in the city, I do not suppose they would have gotten together at that time or tried to take the oath of office.

Mr. BROUSSARD. Mr. President, will the Senator yield to me?

Mr. GOFF. I yield.

Mr. BROUSSARD. Mr. President, I wish to state to the Senator that when the Interstate Commerce Committee of the Senate made its report on the bill creating this commission, it reported it as an emergency measure, and the report so stated. Congress was asked to expedite consideration of it, which Congress did. Immediately after the passage of the act creating the new commission, the President sent five names to the Senate, just before the recess last June, and just a few days before we decided to take up the London treaty. There were quite a number of important bills on the calendar, and everybody pressing for consideration and passage of certain measures. The result was that, although the Interstate Commerce Committee made a favorable report on all these nominations at that time, the Senate adjourned with the favorable report from the committee, unanimously made, as I understand it, lying on the table.

When we acted on the nominations it was repeatedly stated here that it was the desire to have the commission organized before Christmas, and I think these three members got that impression from the record, as shown in the consideration of the bill from its very beginning until the confirmation was completed.

Mr. BLACK. Mr. President, will the Senator from West Virginia yield to me?

Mr. GOFF. I yield.

Mr. BLACK. I understand that one of the reasons why the Senator does not think this matter should be reconsidered—and if I am mistaken, I would like to be corrected—is that the commission has not really discharged these men at all. I understand the Senator says they did not discharge them, but that they were simply automatically separated from the service.

Mr. GOFF. Mr. President, I will say, in answer to the Senator's question, that I have been, by the many interruptions, prevented from discussing what I consider to be the legal rules which render it futile to try to bring these names back to the Senate. I have been discussing these facts which have come into the argument, not because, as I stated in the beginning of my remarks, they have any legal relevancy at this time, but only because they have been discussed, and they have been suggested in the form of questions which were determinative of the very issue itself. In other words, to put it in this way, I see nothing to be gained by bringing these names back here, if they could be brought back, because before I finish the legal discussion I shall show that there is no authority upon the part of the United States Senate to reconsider these nominations, and that these nominations now have gone beyond the point where the Senate of the United States as a legislative body can assume to exercise any executive authority, such as removal, or any legislative authority, such as impeachment.

Mr. BLACK. Before the Senator gets to the legal part of his argument, it seems to me that if I am correct in the inference the Senator desires to leave, at least in so far as some of these gentlemen are concerned, the objections to them might be removed. Of course, the Senator would not object to any of us saying that they had been discharged if these particular commissioners are favorable to these appointees, and from the fact that the Senator has once or twice seemed to resent the idea that they intended to discharge these men I assume that probably the Senator has some information to the effect that perhaps they are for King and Russell, and if any of them are for King and Russell I would like to know it. Has the Senator any information that either Mr. Draper or Mr. Garsaud or Mr. George Otis Smith is favorable to the retention of these gentlemen in the service?

Mr. GOFF. I have no information about it.

Mr. BLACK. I understood the Senator to say that he talked with some of them.

Mr. GOFF. I did talk to them, and let me say this right now to the Senator from Alabama that I approved of the position these five commissioners took before the Interstate Commerce Committee, that it was unfair, if not irrational, to ask there, "If you should be confirmed, what will you do



when such-and-such a supposititious state of facts comes before you for the exercise of your fair and impartial judgment?" I did not ask them that question.

I want to say another thing to the Senator, that I have not resented anything. The Senator must not make emphasis a synonym for resentment.

Mr. BLACK. I will correct that and forget it, and wipe out any inference that might have been drawn that those things were synonymous. Returning to the subject, the Senator says these power commissioners have not discharged these individual men, King and Russell. Of course, it is not material to say that they have not discharged them unless that is to be followed up by some kind of a statement that they are not in favor of discharging them and want to retain them in the service. Does the Senator know whether or not Mr. Draper or Mr. Garsaud or Mr. Smith is in favor of retaining these men in the service?

Mr. GOFF. I just answered that question by saying that I would not do personally in private conference what I had declined to do before the committee, propound such a question to those men when they were talking to me this morning. I was not going to invade their private official views on that subject.

Mr. BLACK. It does not seem to be private, since they have met and one of them, at least, has given out a statement, and since they have not retained those men in the service. Then the Senator is not taking the position that we should vote to keep these men on the Power Commission with the assumption that they favor the retention of these particular individuals, King and Russell?

Mr. GOFF. Of course not. Now, let me put this question to the Senator: Suppose, for example, certain members of the Interstate Commerce Committee, reflecting certain public views, were very much opposed to the retention of Mr. Bonner. That is an absolute, existing fact. Their views were made known to these different commissioners when they testified to their qualifications before the committee and gave evidence of the ability, the experience, the faith, and the truth that were in them. That all occurred. If the members of the Interstate Commerce Committee, reflecting a great many of the outstanding public views upon the attitude of Mr. Bonner, could have their way by having Bonner removed, then does it mean that these same identical members, regardless of what the attitude of Russell and King might be, would have the right to say also to this commission, "You must let go the men we do not want, and you must keep on the commission the men we do want"? That is exactly what the Senator's argument reduces itself to.

Mr. BLACK. May I answer the Senator?

Mr. GOFF. Certainly.

Mr. BLACK. I will answer the Senator in two ways. In the first place, Mr. Bonner had threatened to resign, anyhow. But if Mr. Bonner had not threatened to resign, either Mr. Bonner was wrong or these other two men are wrong. Either these men had a right to expose the padding of the capital accounts of the power companies and should be rewarded for it instead of punished, or they should be punished if their charges are not correct. The same thing is true with reference to Mr. Bonner. I will state to the Senator that personally these gentlemen of the Power Commission would have gone a great deal higher in my estimation if they had discharged Mr. Bonner, because, in my judgment, the other two men have performed a real public service. But assuming that it is true that Mr. King and Mr. Russell have actually exposed the padding of capital accounts of the power companies to the extent of millions of dollars, does the Senator not think that for that service to the people they were entitled at least to an investigation by the commission before the commission announced that they would not be retained on account of friction? Does not the Senator think that?

Mr. GOFF. I dislike so much to repeat my argument over and over again, and I will not do so.

Mr. BLACK. I did not want the Senator to repeat the argument. I asked whether he thought that.

Mr. GOFF. How many times must I stand here and assert that these commissioners had absolutely nothing, in a personal sense, to do with the removal of these men?

Mr. BLACK. Then are they for them now?

Mr. GOFF. Are they not giving them an opportunity to be reinstated when they have invited them to file their applications for reemployment, and they have been filed?

Mr. BLACK. Who has invited them?

Mr. GOFF. I understand the entire commission. I was told by Mr. Smith this morning—

Mr. BLACK. Did Mr. Smith state when the entire commission invited them to file their applications? Did he say it was after the question of a motion for reconsideration came up?

Mr. GOFF. I did not ask that question, because in the abstract discussion of a legal principle I was not concerned with what might drive a man to fear. I would not be motivated or changed one moment by either the courage or the cowardice of a member of that commission or any other commission in considering the abstract justice and logic of a legal or moral proposition which might be involved in any matter before us.

Mr. BLACK. I think the Senator does not mean to say that he would not be affected by the courage or cowardice of any one of these three men in considering whether they should hold the places. He would not want a political coward on that commission or one who was afraid to act on account of the influence of the power companies.

Mr. GOFF. I will say to the Senator that I have found and met a good many political cowards in my experience, and when I expected to find and meet politically brave men.

Mr. BLACK. The Senator was not for them after he found that out, was he?

Mr. GOFF. I do not think that has anything to do with the question.

Mr. BROUSSARD. Mr. President, will the Senator yield to me?

Mr. BROOKHART. I want to ask the Senator why it is that Mr. Smith informed these two men, Russell and King, that there was no use for them to apply; that they would not be retained. That does not apply to Mr. Draper or Mr. Garsaud.

Mr. GOFF. It is my information that they did not give out such a statement. The Senator may have heard that they did. I propounded that question and I was told that they had no such conversation with anyone.

Mr. BROOKHART. Mr. Smith is the only one about whom I am talking. He is the one who had the conversation.

Mr. GOFF. May I ask the Senator from Iowa a question?

Mr. BROOKHART. Certainly.

Mr. GOFF. What possible relevancy has the personal attitude of these commissioners to the question of whether or not the Senate has the right to ask the President to send back their names in order that the Senate may consider whether it will stand by or revoke the confirmation of Saturday, December 20?

Mr. BROOKHART. These men, Russell and King and Lawson, have been fighting faithfully to carry out the water power law in the interest of the people. This man Bonner has been trying to sell out the interests of the people to the power companies in every possible way. I will not vote for any man for commissioner who is going to take the Bonner side of the question. I want a commission that will sustain Russell and King in the services they have performed there.

Mr. GOFF. Then the Senator would not contend that the new Power Commission should keep men who are not in harmony with each other? Let me tell the Senator something: He was a member of the same committee with myself. He knows that there were bickerings and contentions that existed and went on, prompted by a motive of jealousy between both Russell and King, each of them fighting for place like the horses in the ring and on the track. I want to ask the Senator if he considers that men so constituted, men so actuated, would make the best possible and



impartial advisers if they were retained there by the commission to assist it in the discharge of each and every function liberally and impliedly contained in the law by which the commission was created?

Mr. BROOKHART. The only issue between these men was an issue of policy. It was not the personal issue at all. The question was whether or not Russell and King should follow the policy in the interest of the people, or whether Bonner should slip around and waive capitalization and power rights in the interest of the private companies. I have not seen a record of a more unfaithful public servant in all my life than the record of this man Bonner as it showed up before the committee, and as I have some further evidence that did not show up in the committee.

Mr. GOFF. The Senator also knows that it was general knowledge around the Senate and the rooms of the Committee on Interstate Commerce that the other two gentlemen were running around lobbying for the confirmation of the same men who are now under scrutiny and attack in order that they might stand in the good graces of those men and be reappointed.

Mr. BROOKHART. I think this man Smith went down to Russell and presented his case to him as though he were sustaining Russell, and then I think he double-crossed Russell, if the Senator wants to know the fact about it.

Mr. GOFF. I differ with the Senator, and, of course, a difference of view is of no importance in the discussion of this matter.

Mr. BROUSSARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Louisiana?

Mr. GOFF. Certainly.

Mr. BROUSSARD. The matter to which I want to call attention, in view of the fact that there are a number of Senators here now, is to clear up the date when the notice was served that these men might reapply. I have here a copy of the resolutions adopted by the entire commission on January 2, 1931. That resolution concludes as follows:

\* \* \* Now therefore be it

*Resolved by the Federal Power Commission, That all employees of the old Power Commission, without exception, are hereby invited to file their respective applications for appointment by this commission, such applications to be considered in due course along with all other applications for appointment filed with the commission.*

*Be it further resolved, That the commission believes it would be just, and hereby declares its desire and intention, if lawful, to make a reasonable allowance for leave with pay for such of the employees of the old commission, if any, as may not be appointed by this commission.*

There were present at this meeting of the commission four of its members. Mr. McNinch, in addition to being present, held the proxy of Mr. Williamson.

Mr. GOFF. Mr. Williamson was there by proxy, so in fact all of the commissioners were present.

Mr. BLACK. May I have the date of that meeting in comparison with the time of the other meeting?

Mr. GOFF. It was on the 2d day of January, 1931.

Mr. BLACK. What was the date when they had automatically, according to the idea of the Senator, been separated from the service?

Mr. GOFF. The 22d day of December.

Mr. BLACK. That was 10 days afterwards. That is when the storm had arisen throughout the country.

Mr. BROUSSARD. That is because of the fact that there were only three members here until January 2.

Mr. BLACK. But there were three members here when the other men were discharged. They could automatically separate them from the service when only three members were present.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. GOFF. I yield.

Mr. WALSH of Montana. Before the Senator passes to the legal aspect of the conference and to the discussion he has promised us—

Mr. GOFF. Does the Senator think when I do reach that happy medium, that I will be allowed to remain there, or will I be called again into factional strife?

Mr. WALSH of Montana. I do not know. The Senator has answered the questions in that field so satisfactorily, at least to himself, that I am sure he will have no trouble in answering other questions.

Mr. GOFF. No; I have had no trouble with either questions or answers, and especially no trouble in answering any questions propounded—

Mr. WALSH of Montana. The question I address to the Senator on the other phase is this: The Senator told us that although the executive staff of officers were separated automatically from the service the commission as then constituted, consisting of three members, could legally have filled the executive places, but that it would have been an indelicacy on their part toward the absent two members to do so. That is, consulting the proprieties in the matter, of course the appointment of men to fill the positions ought to be deferred until the five members were qualified and present to act. Then, Mr. President, I want to ask the Senator what was the urgent business that required them to organize and take the action on December 22 in the absence of the other two members?

Mr. GOFF. I have answered that question several times and I shall be very glad to answer it again. I stated that it was in the first instance action in response to what was denominated emergency legislation.

Mr. WALSH of Montana. Exactly. I recall that the Senator told us that two of these gentlemen wanted to get away, that they desired to be at home for Christmas, and were desirous of leaving for that reason.

Mr. GOFF. I am going to answer the question again.

Mr. WALSH of Montana. But they were to come back and actually did come back on the 2d of January with another member, with one member holding a proxy from the fifth member, if that proxy was of any consequence. What was the necessity then for these three gentlemen getting together on the 22d day of December and organizing and transacting any business in the absence of the other members?

Mr. GOFF. I said to the Senator that it was largely a personal matter.

Mr. WALSH of Montana. Mob psychology, the Senator said.

Mr. GOFF. I said it was the desire on the part of those men to go home and sever their official and their personal relations, and that such a desire was contagious.

Mr. WALSH of Montana. Am I to understand the Senator to say that there was no business of an urgent character before the commission at that time?

Mr. GOFF. As to that I can not answer.

Mr. BRATTON. Mr. President, let me ask the Senator a question before he leaves that point.

Mr. GOFF. I yield.

Mr. BRATTON. I can understand why these men might desire to take the oath of office before leaving for their homes; but what was the occasion for the haste in giving notice to these employees? Why did they not merely take the oath of office and then go home?

Mr. GOFF. Which employees does the Senator mean?

Mr. BRATTON. All of them.

Mr. GOFF. I dislike so much to keep on answering the same question, and yet I want to answer it if it is propounded not for the purpose of delaying or prolonging the discussion but for the purpose of obtaining my personal view. If that is what the Senator desires, of course I will proceed to answer the question again.

These men were all here in the city. They live in different parts of the country. The Christmas holidays were coming on. One man said, "We are entitled to be sworn in and here is the commission. Let us take the oath." The other one said the same thing. If they had consulted with some one of legal attainments they might have been advised to the contrary, because I understand that no one of the three commissioners is a lawyer. Mr. Draper said, "I want to go



out to Wyoming and I think I will take my oath now and be sworn in." Mr. Garsaud said, "I want to go down to Louisiana and I think I will, too." Mr. Smith lived here and he took the oath of office.

Mr. BRATTON. I can quite understand all that.

Mr. GOFF. Some men might have said, "I will not do that." Some men might have said, "I refuse to do that." I have been on commissions where the commissioners refused to wait until all of the members of the commission could come here. It is a matter of personal view and wish.

Mr. BRATTON. The Senator misconceived my question. I do not wonder that they desired to take the oath of office before they picked up their handbags and started home; but after taking the oath of office and before picking up their handbags why did they take the time to issue this notice to each employee?

Mr. GOFF. They issued no notice to the employees except to tell them what was the force and effect of the law, and the minute they took the oath of office they aroused into controlling activity a dormant legal principle, namely, the automatic removal from office of all these men and employees. They felt, no doubt, that it was their moral as well as their official duty to notify these men of the effect of the action they had taken. That is all. I suppose that was a mere matter of courtesy. They could have gone away and given them no notice whatsoever, because they are presumed, as all of us are, to know the law.

Mr. BRATTON. But, despite their haste to take the oath of office and leave for home, they took time to differentiate between Russell and King and the other employees of the commission, namely, to see to it that the other employees were reemployed and that King and Russell were not reemployed. I am wondering why they took so much time to do that amidst their haste to get home for the holidays.

Mr. GOFF. I did not concede that the question as propounded by the Senator represented the feeling or the relation of the commissioners each to the other.

Mr. McNARY. Mr. President, is it the desire of the Senator from West Virginia to conclude his argument this evening?

Mr. GOFF. I want to leave that to my brother Senators. I do not want to stay here any longer than is necessary. I can not conclude this evening. I have had many interruptions, and I have tried to conform to them. I want to do justice to the matter because I feel that the more we unload the lighter the wagon will be to reach the destination. I shall have to continue on further and shall be glad to do so to-morrow.

Mr. WALSH of Montana. Mr. President, I want to address a question to the Senator which he may answer to-morrow.

Mr. GOFF. I would rather answer it now.

Mr. WALSH of Montana. Very well. I suppose the Senator will probably agree that Russell, King, and Bonner had been legally appointed to their positions by action of the old commission?

Mr. GOFF. Yes; they were appointed legally.

Mr. WALSH of Montana. I want to call the attention of the Senator to the final section of the act, as follows:

Sec. 4. This act shall be held to reorganize the Federal Power Commission created by the Federal water power act, and said Federal water power act shall remain in full force and effect, as herein amended, and no regulations, actions, investigations, or other proceedings under the Federal water power act existing or pending at the time of the approval of this act shall abate or otherwise be affected by reasons of the provisions of this act.

In view of that provision of the law, how can the Senator contend that the order of the commission appointing Russell solicitor, the order of the commission appointing King general accountant, and the order of the commission appointing Bonner executive secretary are abated by reason of the enactment of this law?

Mr. GOFF. I will answer the question. Because of the preceding provision, known as section 3:

Sec. 3. Notwithstanding the provisions of section 1 of this act the Federal Power Commission as constituted upon the date of the approval of this act shall continue to function until the date of

the reorganization of the commission pursuant to the provisions of such section. The commission shall be deemed to be reorganized upon such date as three of the commissioners appointed as provided in such section 1 have taken office, and no such commissioner shall be paid salary for any period prior to such date.

Mr. WALSH of Montana. But no action theretofore taken by the old commission was abated in any way whatever.

Mr. GOFF. Not at all. The act provides that the commission shall be taken to be reorganized.

(At this point Mr. Goff yielded the floor for the day.)

Wednesday, January 7, 1931

Mr. GOFF. Mr. President, I wish to say before I conclude my remarks, which I trust I can do within a short time, that I shall refuse to yield the floor during the discussion. If, when I shall have concluded, any Senator desires to ask me questions, I shall, of course, stand ready to answer them.

Yesterday when the Senate recessed I had referred to the communication sent by the commission to its executive staff and the employees in general. I desire further to say that in the rules and regulations prepared and promulgated by the commission on the 2d day of January, 1931, there was, among other statements, the following:

And whereas, in deference to the absence of Commissioners Williamson and McNinch, all personal matters, excepting only the authority to the chairman to arrange for an administrative assistant and disbursing clerk, if necessary, were, as appears from the minutes of the meeting of the commission, to be considered pending until the commission can act with full attendance.

Now, therefore—

The commission further proceeds in its resolution—

*Be it resolved by the Federal Power Commission, That all employees of the old Power Commission, without exception, are hereby invited to file their applications for appointments by this commission, such applications to be considered in due course along with all other applications for appointment filed with the commission.*

*Be it further resolved, That the commission believes it would be just, and hereby declares its desire and intention, if lawful, to make a reasonable allowance for leave with pay for such of the employees of the old commission, if any, as may not be appointed by this commission.*

The foregoing resolution was adopted unanimously by the Federal Power Commission at its meeting on January 2, 1931, Commissioner McNinch voting for Commissioner Williamson by proxy.

Mr. President, at this meeting a letter was approved to the Attorney General, according to a statement signed by Mr. Smith, the chairman, requesting that he take such steps as to him seemed due and proper to preserve the right of appeal in the United States against the Central Stockholding Corporation until the same could be considered by the commission; and it was also understood that all personnel matters be considered pending until the commission could meet and act with full attendance.

It was further agreed that the chairman should review and revise the Budget statements for 1931 and 1932 and appear before the Budget and Appropriations Committees, making such appeals as were necessary to the proper functioning of the commission.

Mr. President, those steps were then and there taken by the commission, as organized; and they were duly taken, not, as I understand from talking with the commission, with any purpose or intent to favor or exclude from consideration any of the employees or members of the executive staff. There had been reports, both pro and con, coming to the members of the commission who had qualified, that there was objection to different men and that there was high favor for some. The attitude of the commission was, and I am satisfied—speaking now my own personal view, after a very clear discussion with the commission—that they considered it was the duty of the commission to allow all such personal and personnel matters to remain in abeyance until there could be a full meeting of all the commissioners in reference to any such matters.

I desire now, Mr. President, briefly to discuss certain of the legal questions which have not been referred to in the remarks made by any Senator concerning this question.

The President, as we have brought out in the discussion, was notified of the confirmation of the several commissioners, and thereupon issued and delivered the commissions,



and the nominees took the oath of office. The question, therefore, raised by the motion of the senior Senator from Montana [Mr. WALSH] is whether the Senate has power to consider in a reconsidering sense the nominations and whether the President should be requested to return these notifications to the Senate.

Before discussing the law applicable to these nominations I desire to bring out at this time the salient facts relative to the advice and consent of the Senate in reference to each nominee as his name came before the Senate.

Mr. Williamson's nomination was confirmed unanimously on December 19, 1930. Following the usual formula, as the RECORD discloses, the Vice President announced:

The nomination of Mr. Williamson is confirmed, and the President will be notified.

Mr. Draper was confirmed on December 19, 1930, and the Vice President announced:

The nomination is confirmed, and the President will be notified.

Mr. Smith was confirmed on December 20, 1930, and the President of the Senate pro tempore announced:

The Senate advises and consents to the nomination, and the President will be notified.

Mr. McNinch was confirmed on December 20, 1930, and the President pro tempore announced:

The Senate advises and consents to the nomination, and the President will be notified.

Mr. Garsaud was confirmed on December 20, 1930, but there is some controversy as to whether or not the usual formula was observed and followed in his case. I am informed by the Journal clerk that the Journal shows that the usual formula was followed, namely, "that the Senate advises and consents, and the President will be notified," although that language does not appear in the CONGRESSIONAL RECORD of that date.

Mr. President, on December 20, 1930, the Secretary of the Senate duly notified the President of the confirmation of the nominations of Mr. Williamson and Mr. Draper, which, as I have stated, were confirmed on the 19th. On December 22, as my examination discloses, the Secretary of the Senate duly notified the President of the confirmation of the nominations of Mr. Smith, Mr. Garsaud, and Mr. McNinch. In each case—and this is a matter worthy of very material and relevant consideration—the notice, delivered by a messenger, was in the regular form, signed by the Secretary of the Senate on the usual printed blank, and certifying that the nominations of the persons so named as members of the Federal Power Commission had been confirmed by the Senate on the dates December 19 and December 20, 1930, respectively.

On December 22, 1930, as the record discloses, the President executed and the Secretary of State attested commissions to each of the five nominees. On that date the commissions were delivered to Mr. Smith, Mr. Garsaud, and Mr. Draper, who on that same day, December 22, duly took the oath of office. The commissions of Mr. Williamson and Mr. McNinch were delivered to them later, and they took their oaths of office, as I am informed, on the 27th day of December, 1930, and on the 31st of December, 1930, each, respectively.

Mr. President, bearing those facts in mind as to the confirmation and also the notification to the President, duly given by the Senate, I come to the discussion of Rule XXXVIII of the Standing Rules of the Senate, which will be found on pages 42 and 43 of the Senate Manual.

Paragraph 3 of Rule XXXVIII provides:

When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual Executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

Now, Mr. President, if I may discuss just briefly the reasons for requiring the President to send back to the Senate the papers, I refer to a case that came up in the discussion of this matter on the 14th day of April, 1830, which might be called the Isaac Hill matter. This case is reported in the records of the Twenty-first Congress, first session, on the 14th day of April, 1830.

A motion was made by Mr. Forsyth to reconsider the vote of the 12th instant, on the question to advise and consent to the appointment of Isaac Hill, as Second Comptroller of the Treasury, whereupon,

The Vice President submitted, for the determination of the Senate, whether the motion was in order; inasmuch as the resolution, announcing the decision of the Senate on the nomination of Isaac Hill, had been communicated to the President. And it was unanimously determined that the motion was not in order.

The Executive Journal, volume 4, page 90, of the Twenty-first Congress, shows that on April 12, 1830, the Senate rejected the nomination of Isaac Hill to the office of Second Comptroller of the Treasury, and there was entered in the record the following statement:

So it was resolved that the Senate do not advise and consent to the appointment of Isaac Hill.

On the 14th day of April, 1830, a motion to reconsider this action was made, and, on a point of order, the Senate decided by unanimous vote that since the action of the Senate had been communicated to the President the motion was not in order.

The caption in Gilfry's Precedents suggests that one reason for that ruling by the Senate was that it may not act on nominations where the papers have been sent back to the President and are not in the possession of the Senate. At the time of the ruling in the Hill case, there appear to have been no Senate rules in effect such as now are found in paragraphs 3 and 4 of Rule XXXVIII; and no doubt the provision in paragraph 3, which I have just read, of the present rules, requiring the inclusion in a motion to reconsider of a motion requesting the President to return the notification where a notification has been sent him, arose out of the precedent in the Hill case and the necessity of having the papers before the Senate on a motion to reconsider.

The effect of the present rules of the Senate is to modify the ruling made in 1830 in Hill's case to the extent that now, if an authorized notification has been sent to the President, it is in order for the Senate to request its return; and the confirmation may be reconsidered if the papers are returned by the President at the Senate's request. The assumption is that in the Hill case the notification to the President had been authorized by the Senate. The precedent hardly goes beyond establishing that where the nomination is properly returned to the President, the Senate may not reconsider unless it is returned. It falls short of establishing the rule where the notification to the President has been sent by the Secretary without the consent of the Senate that the President is without authority to act.

Now, let me read paragraph 4 of Rule XXXVIII. It reads as follows:

Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

If the Senate sees fit, immediately upon taking the vote that establishes the advice and consent of the Senate, to authorize the Secretary to advise the President of its action, then the rules to which I have called attention have been fully complied with, and have no further application in regard to the matter of executing the nomination by swearing in the nominees who have been duly confirmed by the Senate of the United States.

Where a nomination has been confirmed and the President has been notified prior to the expiration of the time within which, under the rules, notice of reconsideration may be entered, there is no justification for contending that the Senate can stand upon its right to move a reconsideration of the nomination within the time limited.



I submit, Mr. President, that it is not the duty of the Executive authority to make the inquiry, "Has every rule literally and inferentially been complied with in a matter of this kind?" It is not incumbent upon the Executive to inquire: "I have received from the Senate, the legislative body of the Nation, a statement to the effect that they have advised and consented to the nomination sent there, and again I desire to know if that information is regularly and correctly submitted."

I therefore make the statement, and I make it in the light of the decisions of the courts of the United States, that there is no authority, under all of the circumstances, to ask the President to return these papers to the Senate of the United States when, acting upon the notice received from the Senate, the President has executed by formal appointment the nominations and created a vested right in these nominees, who have accordingly taken office.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. Just a moment. To hold otherwise would be to assume that after a nominee had been duly sworn in, and has taken the oath of office, and has received a vested right in and to the office to which the Senate advised and consented, we can then say to that official, "The Senate of the United States has a right now to reconsider what it notified the President that he could do."

Let me make the statement—and I shall go into the authorities sustaining it in a moment—that to permit such a rule or regulation to exist and to control is in effect to hold that the legislative body has a right to infringe upon the Executive power, because the only way in which a man so inducted into office after receiving such a notification can be deprived of that office is either for the President of the United States to remove him, as he has the power to do, or for the Congress of the United States to impeach him.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. Just a moment. To hold, Mr. President, under such circumstances, that the Senate has a right to ingraft a recall for consideration upon a nomination so advised and so consented to is to give a legislative body of this Government the privilege of invading the exercise of an executive authority purely and simply.

Mr. President, I stated that I did not care to take the time of the Senate in yielding to long discussions; but I do not wish to be discourteous to my friend from Idaho, and if he desires to ask me a question I will infringe on my prior determination and yield to him.

Mr. BORAH. I should like to ask the Senator one question.

The VICE PRESIDENT. Does the Senator from West Virginia yield for that purpose?

Mr. GOFF. Certainly.

Mr. BORAH. When, in the judgment of the Senator, did the title to this office inure to the appointees?

Mr. GOFF. When they took the oath of office.

Mr. BORAH. Not until then?

Mr. GOFF. Not until they were duly inducted into the office and were in a position authoritatively to discharge its functions and perform its duties.

Mr. BORAH. I will ask the question in a little different language: When were the appointees entitled to take the oath of office?

Mr. GOFF. They were entitled to take the oath of office as soon as the Senate notified the President of the United States that it had advised and consented to their nominations.

Mr. BORAH. If I understand the Senator correctly, I disagree with the Senator somewhat; but I will not discuss that matter now.

Mr. WHEELER. Mr. President, will the Senator yield for just one question?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. GOFF. Yes; I yield.

Mr. WHEELER. Assuming that the Secretary of the Senate notified the President without any authority from the Senate, and the President appointed the nominee, would the Senator still contend that he was duly entitled to his office?

Mr. GOFF. If the President has appointed?

Mr. WHEELER. Yes. If I understand the Senator's argument, he contends that whenever the Secretary of the Senate notifies the President that the Senate has confirmed one of these men, and the President acts upon that notification, that gives the man a vested right in the office.

Mr. GOFF. Yes.

Mr. WHEELER. Assuming that the Secretary of the Senate, without any right or authority, advised the President that the Senate had confirmed before the time he should have done so, would the Senator say, under those circumstances, that the officer had a vested right in the office?

Mr. GOFF. I say yes; that the appointee then would have a vested right in the office, and the only way he could be deprived of that vested right would be by removal by the President or impeachment.

Mr. WHEELER. How could the agent of the Senate, how could the Secretary of the Senate, advise the President in the event the Senate had not authorized him to do so and thereby give the officer some vested right?

Mr. GOFF. Let me read to the Senator the applicable portion of the Constitution, paragraph 2 of section 2 of Article II of the Constitution. It reads:

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session.

Mr. WHEELER. That does not in any wise answer my question or have any bearing upon it at all. I am familiar with the provision the Senator has read.

Mr. GOFF. The bearing it has is this: The President receives notice that the Senate has acted. I do not see any reasonable argument which can be advanced which would convince me that the President was required, before he could act under the constitutional provision which I just read, again to inquire whether the officer of the Senate was authorized to make the notification which he, the President, had received.

Mr. WHEELER. If the Senator will pardon me, it seems to me the plain rules of agency would apply. Assuming that the Secretary of the Senate did an unauthorized act, and the President acted upon it, I can not believe the Senator would contend that under those circumstances the officer had a vested right.

Mr. GOFF. Let me say in reply to the suggestion the Senator has made about the law of agency, suppose information is brought to the principal—and to apply the rules of agency the President must be considered the principal—which, assuming it to be correct, justifies the principal in giving certain directions to the agent, and those directions are given and the agent executes the authority so received from the principal. Under such circumstances and conditions, if that authority is communicated, the only person who can change it is the principal. The President received this notice, the President acted upon it, and after the President, receiving this notice in due course, acted, the only way these men so appointed can be removed is by the President or through impeachment by the Congress of the United States.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. I yield for a question.

Mr. BROOKHART. The Constitution of the United States authorizes the Senate to make its own rules.

Mr. GOFF. Certainly.



Mr. BROOKHART. And, if the Senate makes a rule providing for reconsideration of a nomination, it would become just as binding on the President and everybody else as the Constitution itself.

Mr. GOFF. Mr. President, the substance of what is embodied in the question of the Senator from Iowa was duly considered by the Supreme Court of the United States in the case of *Myers v. United States*, decided at the October term, 1926, reported in volume 272, United States Reports, pages 53 to 295. The Supreme Court in that case was discussing the question whether the President had the power to remove postmasters, and the opinion, written by Chief Justice Taft, after a discussion ranging over many pages of this very long judgment of the court, contains this statement:

Section 6 of the act of July 12, 1876, providing that "Postmasters of the first, second, and third classes shall be appointed and may be removed by the President by and with the advice and consent of the Senate and shall hold their offices for four years unless sooner removed or suspended according to law," is unconstitutional in its attempt to make the President's power of removal dependent upon consent of the Senate.

Mr. President, when the President of the United States is notified by the Senate that he can proceed to carry out and execute an appointment which is the culmination of a nomination sent to the Senate, the President then has a right, accordingly, to act, and when the President has acted he has created a vested right in and to the office in the nominee, who has become the duly accredited appointee, and the only way to remove the officer under those circumstances, if we are to observe and follow the Constitution of the United States, is to have the President exercise the power of removal or the Congress to proceed to impeachment. Otherwise what happens? We have rules and regulations, inadvertencies, failure to comply with the law technically, and possibly on many other debatable grounds, submitted to the President; and he must be then always in this position, "Have I authority to proceed, after the Senate has duly notified me that it has advised and consented to this nomination, to go on and make this appointment complete?"

We would have absolutely no settled state of procedure if such should be the rule, and the Supreme Court in this long opinion has clearly and definitely stated that no such rule or regulation would be in any sense of the word constitutional, because it would require the power of the executive division of our Government to depend upon some rule or interpretation of the Senate, one of the correlative branches of our form of government.

Mr. BROOKHART. Mr. President, the Senator concedes that the Senate's rule is constitutional, does he not?

Mr. GOFF. I do not consider that the Senate rule is constitutional if the Senate rule tries to invade the power of removal which is in the President, and in the President alone.

Mr. BROOKHART. This rule only seeks to settle the Senate's own proceedings, and this period of uncertainty the Senator mentions can last only until the Senate has had two executive sessions.

Mr. GOFF. I do not think the question of the length of its duration has anything whatsoever to do with the question.

Mr. BROOKHART. When the notice is sent to the President, he must take notice of the Senate rules, the same as anybody else must.

Mr. GOFF. If the Senate sends a notification to the President, the President has the right to assume that the Senate has no further desire that he withhold the action which he is to take in completing the appointment.

Mr. BROOKHART. Does the Senate rule so say?

Mr. GOFF. Oh, no; but the Senate can clearly, under these circumstances, waive any of its rules, which the President has the right to assume has been done when this notification duly comes to him.

Mr. BROOKHART. But the rule itself provides for the recall of its notice to the President; so the notice does not waive any rule.

Mr. GOFF. The rule calls for that; but if the rule in calling for that is carried out, what is the effect? The President may have done everything within his power to execute the nomination. The President, then, after he has executed the appointment, sends back to the legislative department the papers which have been received by the executive department, and then the legislative department undertakes, after that, to recall its advice and consent to the nomination. If the Senate does that, then the Senate has clearly invaded the removal power which resides solely in the Executive, and its rule and procedure is unconstitutional.

In the *Myers* case—and I am reading from it because it has the matters to which I wish to refer conveniently collected—it is stated, on page 169, in the opinion by Chief Justice Taft:

In March, 1886, President Cleveland, in discussing the requests which the Senate had made for his reasons for removing officials, and the assumption that the Senate had the right to pass upon those removals and thus to limit the power of the President, said:

"I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that 'the executive power shall be vested in a President of the United States of America,' and that 'he shall take care that the laws be faithfully executed.'"

"The Senate belongs to the legislative branch of the Government. When the Constitution \* \* \* superadded to its legislative duties the right to advise and consent to appointments to office and to sit as a court of impeachment, it conferred upon that body all the control and regulation of executive action supposed to be necessary for the safety of the people; and this express and special grant of such extraordinary powers not in any way related to or growing out of general senatorial duties, and in itself a departure from the general plan of our Government, should be held, under a familiar maxim of construction, to exclude every other right of interference with executive functions."

The attitude of Presidents on this subject has been unchanged and uniform to the present day whenever an issue has clearly been raised. In a message withholding his approval of an act which he thought infringed upon the Executive power of removal, President Wilson said (on the 4th of June, 1920):

"It has, I think, always been the accepted construction of the Constitution that the power to appoint officers of this kind carries with it as an incident the power to remove. I am convinced that the Congress is without constitutional power to limit the appointing power and its incident the power of removal, derived from the Constitution."

And (on the 13th day of February, 1924) President Coolidge, in a message to Congress in response to a resolution of the Senate that it was the sense of that body the President should immediately request the resignation of the then Secretary of the Navy, replied:

"No official recognition can be given to the passage of the Senate resolution relative to their opinion concerning members of the Cabinet or other officers under Executive control."

"\* \* \* The dismissal of an officer of the Government, such as involved in this case, other than by impeachment is exclusively an Executive function. I regard this as a vital principle of our Government."

My position, in the light of these decisions, construing as I do Rule XXXVIII of the Senate, is that if the Senate notifies the President of the United States that it has advised and consented to the appointment of the nominees whose names have been sent to it, then the President of the United States has an absolute right to proceed to execute those nominations by duly appointing them to the office to which he has named them. If the Senate thereafter can come in and say, "We have the right to recall these names; we have a right to reconsider these names; we have that right because we feel that our rules were not properly waived; we have the right because it is our settled conviction that the notice was sent to the President as a result of inefficiency or mistake"—if that can be done, then I say that the legislative body, contrary to the rules and decisions of the Supreme Court of the United States construing this power, is infringing upon the executive authority to exercise the power of removal or upon the law that gives the Congress of the United States and no other body the right to initiate impeachment.

I say that after these names and notices have been sent to the President if this rule is to be invoked because within two days' time the Senate moves a reconsideration, if the rule is to be given the force and effect which is contended here by the several Senators who have discussed these views, then it is an encroachment upon the executive power of the President of the United States and renders unsettled and



uncertain any action that can be taken in such a matter. If such a rule under these conditions is to be followed, then I say that it is unconstitutional because it is invading the executive field.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator speaks of the President proceeding to execute the appointment after the notice is sent to him. The President completed all of his duties toward executing the appointment when he sent the appointment down to the Senate, did he not?

Mr. GOFF. No.

Mr. BROOKHART. What does he do afterwards? What is there in the rule or the law that he must do to complete that appointment after he gets the notice?

Mr. GOFF. He must authorize the nominee by appointment to take the oath of office and he must see that this is done by some one authorized to execute that office for him.

Mr. BROOKHART. The nominee can go before a justice of the peace, as McNinch did down in North Carolina, and take the oath. There is no limitation as to where he can take the oath.

Mr. GOFF. That is all very true, but the taking the oath is within the power of the Executive.

Mr. BROOKHART. There is not anything for the President to do after he has made the appointment, so far as I can find in any law or rule or anywhere else.

Mr. GOFF. Except to make out the commission, which is done as evidence of the appointment. I do not for one moment concede that after the President has received such a notice he has not the authority to withhold any and all right of the nominee so confirmed to take the office. The nominee so confirmed must receive his notice from the President of the United States before he can be duly inducted into office. I will make this further statement in connection with the argument I am now advancing, that if a nominee so confirmed by the Senate proceeds to be sworn in in some State by some justice of the peace without receiving the authority of the President of the United States to that effect, then he is not duly inducted into office.

Mr. BLAINE. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. GOFF. I yield.

Mr. BLAINE. Does the Senator contend that an officer of the Senate, through inadvertence, carelessness, or mistake, or by intention, can waive a Senate rule on behalf of the Senate?

Mr. GOFF. I certainly contend that if the President has received notice from the duly authorized agency source he has a perfect right to rely upon that notice and to proceed to execute all of his executive functions.

Mr. BLAINE. Even though the notice may have been prematurely given?

Mr. GOFF. The Senator from Wisconsin knows, as a lawyer, that when the President of the United States, regardless of whether it was done purposely or whether it was done inadvertently, receives notice by an agent of the Senate, acting within the scope of his apparent authority, that it has taken or refused to take such action as he requested it to take, then the President is justified in proceeding to execute all of the authority then resident in him under the Constitution of the United States. When he has executed that authority, I say there is no power left in the Senate of the United States to recall what the President has then done. The only way to correct the situation, if it requires correction, is to have the President exercise the power of removal or the Congress proceed to impeachment.

Mr. BLAINE. Will the Senator further yield?

Mr. GOFF. For one more question. I want to conclude very soon.

Mr. BLAINE. I have another question I would like to ask the Senator in this connection while the matter is under

discussion. Under the Constitution, when a bill passes both Houses and is approved by the President, it becomes a law. Does the Senator claim that if a bill passes both Houses and some clerk intentionally or inadvertently or willfully or for any other motive carries that bill to the President of the United States before it has gone to the committee on enrollment or engrossment, the bill has become a law, it having passed both Houses of Congress and been approved by the President? Does the Senator contend a subordinate of the Senate can waive a rule of the Senate on that question?

Mr. GOFF. I say that the bill has then become a law and that if it is desired to rectify the inefficient or unauthorized act of the agent, the only way is for the Congress of the United States to rescind, as it would have the power to do, the action so taken by the Executive by passing another and distinct law. There is no question about that unless the Senator contends that before the Executive can act the Executive must check and double check back upon the efficiency of the legislative departments of the Government. That is not required of the President under any such circumstances or conditions. The President then proceeds because he has been duly notified by the official of the legislative branch concerned that action has been taken which not only permits but justifies the application of Executive power to the point of its full execution, and that is exactly what the President did in this case.

Mr. BLAINE. Does the Senator's contention go to the extent that when the President ascertains a fact as to action of Congress, as the President may ascertain that fact, by newspaper report or by some messenger or by some telephone communication or by some other means other than the means specifically set out by the rules of the Congress, he may then act?

Mr. GOFF. No; I do not contend that, let me say to the Senator from Wisconsin; but what I do contend is that the only way to right such a situation is by removal or impeachment proceedings. I can well see that if the President's notification was received through some such hearsay source as the Senator from Wisconsin suggests, and that fact was brought to the attention of the President, the President would not have the authority to make the appointment unless the information so conveyed was subsequently legislatively confirmed. The President could, of course, refuse to recognize the reported confirmation as not coming to him in due course; or he could remove an official duly appointed if it should be shown to him that an apparently proper notification was the result of an overt act in a conspiracy to override and supersede the legislative function involved. That is the only way that such an appointment can be recalled.

Mr. BLAINE. I merely want to suggest that I am very much in disagreement with the Senator on that point.

Mr. GOFF. I, of course, knew that without the Senator telling me so.

Mr. HASTINGS. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Delaware?

Mr. GOFF. I yield.

Mr. HASTINGS. I want to inquire whether, in appointment by the President under the Constitution, there are not three steps to be taken in this order. The language is that "he shall nominate," which means that he shall send the name of a person to the Senate. The second is that he shall get the advice and consent of the Senate, and he gets that done. Those are the two steps in that order. Then he shall appoint, making three steps in order that the person may receive the appointment. Is that the Senator's view?

Mr. GOFF. That is my understanding, and I read a short time ago, as the Senator from Delaware will recall, those provisions of the Constitution, and those three steps which the Senator has now called attention to were read by me in the course of my reply to the junior Senator from Montana [Mr. WHEELER].

There must be a nomination; there must be a ratification of that nomination by the Senate, in the form of advice and consent; then there must be an appointment by the President before the nominee can take office.



Mr. HASTINGS. I asked the question because I did not think the Senator made himself clear in answer to the question asked by the Senator from Idaho with respect to that matter.

Mr. GOFF. I might not have made myself clear to the Senator from Idaho, and I did not read from the Constitution the language referred to when answering his question, but I did so in reply to the subsequent question asked by the Senator from Montana.

Mr. HASTINGS. The Senator from Iowa asked a question on which I wanted to get the Senator's judgment with respect to what is called the recall of the advice and consent of the Senate. I want to read this rule:

But if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate.

Does the Senator understand that rule to mean that such motion is anything more than a request, or that the Senate is at that time in a position to demand the return of the notification if the President should conclude not to comply with the request?

Mr. GOFF. I understand that the Senate in carrying out that rule is merely legislatively requesting the President, if he is so advised, to return to the Senate the papers and the notification which he received, because of the decision that the Senate has no jurisdiction to act in the premises unless it shall have before it the papers which were sent to the President subsequent to its giving its advice and consent to the nomination. Does that answer the Senator's question?

Mr. HASTINGS. That answers the question.

Mr. GOFF. That has been clearly the rule as interpreted and established by the courts. In answer to the question propounded by the Senator from Wisconsin, who I notice is not now in the Chamber, let me say that in the case of Field against Clark, reported in One hundred and forty-third United States Reports at page 649, the Supreme Court decided:

The signing by the Speaker of the House of Representatives and by the President of the Senate in open session, of an enrolled bill, is an official attestation by the two Houses of such bill as one that has passed Congress; and when the bill thus attested receives the approval of the President, and is deposited in the Department of State according to law, its authentication as a bill that has passed Congress is complete and unimpeachable.

I have been through this decision, Mr. President, with great care and it is there clearly shown that after the legislative bodies involved, and after the Executive, whose signature must be attached, have each of them executed and performed their constitutional functions there is no authority resident in either body or in the President, as the head of the executive branch of the Government, in any way to impeach the validity of such a bill. How such a bill can be corrected is obvious, namely, by legislation that either revokes it or changes it.

The same rule is directly applicable to the case of an appointment. The President sends in the nomination—

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. GOFF. In just a moment. The nomination is received by the Senate. The Senate then clearly advises and consents to the nomination, and if the president has been notified that the Senate has taken this action and he immediately sees fit to complete the nomination by executing the constitutional prerogative of appointment, then, when he has done that, I say there is no power in the Senate to recall that nomination which the Senate has passed upon and to reconsider it, and at the same time revoke everything that the Executive, in reasonable and proper reliance upon the notice received, has done in the exercise of his constitutional rights.

I do not see, Mr. President, how such a rule can be constitutionally and properly retained by the Senate unless it shall be amended so as to read, "Notice to this effect shall not be communicated to the Executive, even by unanimous consent, until two days shall have elapsed from and after the giving of the advice and consent."

The Senate did in all these cases waive the two days' notice, because as soon as these men were confirmed the Vice President or the President pro tempore said, "The nomination has been advised and consented to, and the President will be notified." If that is so, the Senate in open executive session waived any right then to turn back after this notification and this justification of the action on the part of the Executive and say, "We had two days' time in which to recall all of these things. Mr. President, return these papers to the Senate, in order that the Senate may, because"—if I may use the term—"of some newly discovered evidence, revoke the action which it has taken." We do not as a legislative body, Mr. President, desire to add any such confusion whatsoever to our proceedings.

If it is desired to retain such nominations in the Senate after the Senate has advised and consented to them for a period of two days, then our rule should read as I have indicated:

The Secretary of the Senate shall not advise the President of the action taken in open executive session until the expiration of two legislative days from and after the day on which the vote was recorded.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for an inquiry?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Arkansas?

Mr. GOFF. I yield.

Mr. ROBINSON of Arkansas. I have been very much interested in the discussion of the Senator from West Virginia, and I realize that there is a question which logically, which inevitably, arises as to the effectiveness of the motion which the Senator is discussing. I should like, however, to inquire of the Senator whether he thinks it would be within the power of the President to comply with the motion if it should prevail?

Mr. GOFF. I do not think that the President has any power under the Constitution to comply with this motion by returning the nominations and the papers affecting the confirmation of the power commissioners.

Mr. ROBINSON of Arkansas. I should like to ask one further question. Then, it follows that the rule, in its application to this case, is violative of the Constitution?

Mr. GOFF. I think so, and I so stated, if I may say so to the Senator from Arkansas, a short time ago in answer to a question which he then propounded.

Mr. ROBINSON of Arkansas. The Senator concedes that the Constitution authorizes the Senate to make its own rules?

Mr. GOFF. Yes.

Mr. ROBINSON of Arkansas. And that in pursuance of that authorization the Senate has made the rule which is here in question?

Mr. GOFF. That is correct.

Mr. ROBINSON of Arkansas. But he thinks that the rule which is involved is in excess of the powers conferred on the Senate in the Constitution by the provision authorizing the Senate to make its rules?

Mr. GOFF. That is the position which I take. I shall not again read it into the RECORD, but the Senator will recall that I cited a portion of the decision of Chief Justice Taft in the case of Myers against the United States, involving the contention of the Senate that the President could not remove a postmaster unless he obtained the advice and consent of the Senate. The court there held that such a rule was unconstitutional in attempting to make the power of removal by the President dependent upon the consent of the Senate.

Mr. ROBINSON of Arkansas. I concede that under the decision to which the Senator has referred the Senate can have no part in the removal of officers; that that, according to the Senator referred to, is a purely executive function; but the Senator will possibly give consideration to this suggestion—and I am really seeking information on the subject—

Mr. GOFF. I realize that.



Mr. ROBINSON of Arkansas. The Constitution vests in the Senate the power of confirmation.

Mr. GOFF. Yes, sir.

Mr. ROBINSON of Arkansas. And it is coequal with the power of the President with respect to nominations.

Mr. GOFF. That is correct.

Mr. ROBINSON of Arkansas. Neither can be effective without the other.

Mr. GOFF. Exactly.

Mr. ROBINSON of Arkansas. The Constitution gives to the Senate the power to make rules governing its procedure. The Senate, in the exercise of that power, has made a rule governing its procedure with respect to the confirmation of nominations, and it has provided that at any time after a nomination has been confirmed, within the first two executive sessions following the confirmation, a motion to reconsider may be made if there is coupled with it a motion to request the President to return the papers relating to the nomination.

Mr. GOFF. That is correct.

Mr. ROBINSON of Arkansas. I am utterly unable to see at this stage of the debate why such a rule is violative of the Constitution, the Senate having the power to make its rules for the regulation of its own conduct. It may raise the question as to whether the President is compelled to return the papers; it may involve the issue as to whether the Executive is required to do what the Senate asks him to do; but I wish to point out to the Senator from West Virginia that in the course of my study of this subject, which I admit has been limited, this thought has been prominent in my mind: Throughout the debate the statement has been made that the first act of these three members of the commission, following their inauguration into office, was to penalize employees of the commission who, it is said, have merely performed their duties. The assertion is made by no less a responsible authority than the Senator from Montana [Mr. WALSH], and it has not been contradicted by any Senator who has spoken, that in the exercise of an arbitrary power, and as an act of injustice, these three members of the commission, before the time for reconsideration of its action by the Senate had expired, performed an act of gross injustice, in that they expelled from the service of the Government two of the employees of the commission who were performing their duty, and who were penalized for the performance of their duty.

That statement has been repeatedly made here, and not contradicted by anyone—that as the price of loyalty to duty, these men, public officers, have been decapitated, and that, within the period during which the Senate might reconsider its action under its rules made pursuant to the Constitution, or in violation of it, if you please, they have been removed from office for the simple reason that they have been performing their public duty.

I realize that the statement has been made that the object of the commission was to terminate a clash within the commission, a controversy within the commission. That is a question of fact concerning which I have no knowledge except as it grows out of the statements that have been made here. I should like to point out to the Senator from West Virginia, however, that under the state of this record as it has been so far made it might be true that the President would be willing to respond to the request of the Senate even though the Senate may not have the power to compel him to do so; and I am wondering—

Mr. GOFF. Mr. President—

Mr. ROBINSON of Arkansas. Will the Senator permit me just one further statement?

Mr. GOFF. Certainly.

Mr. ROBINSON of Arkansas. I have been waiting for the development of this issue. I have been wondering whether any Senator would question the allegation upon which this motion is primarily based; namely, that it was an exercise of arbitrary authority to penalize men who, as employees of this commission, had performed their public duty.

Under that state of the record, undisputed and uncontradicted so far as the record has been made up, I should feel justified in resolving my doubt as to the effectiveness of this motion in favor of simple justice.

Mr. GOFF. Mr. President, let me say to the Senator from Arkansas that in reaching a correct understanding and decision of the purport and meaning of any law or any constitutional provision we are not to be moved or influenced by sympathy. We are not to be controlled by what we think an investigation of the facts would disclose in the sense of a moral justification of what we have done. We are to take the law and construe the law. We are to take the Constitution and read it in the light of the debates in the constitutional convention, and, as the courts have said, in the first, second, third, fourth, and fifth sessions of the Congress of the United States, when the Constitution was being considered and interpreted by men who had been the prominent leaders in the constitutional convention.

I have tried to study carefully and efficiently the debates and the contentions which were advanced in regard to the full meaning and the extensive scope of the Constitution in regard to such matters and I have reached the conclusion that we can not by any legislative act, no matter how justifiable in morals it might be, invade the executive field. We can not do it because other ways and means are provided under our form of government for effectuating that very purpose and reaching that end. Let me say further to the Senator from Arkansas that it is my judgment, that if an investigation of these facts would in any sense disclose that the action of these officials was unjustifiable, that it was unreasonable, that it was actuated by a desire to punish efficient and faithful officials, then it does not lie within the power of the Senate to invade the executive field after it has given the Executive notice of its action, and he has carried out the constitutional authority resident in him by saying, "Let us call all this back, Mr. President, because we could have held up this notification for a period of two days. We did not do so. We sent it to you."

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. GOFF. Yes.

Mr. ROBINSON of Arkansas. My statement does not, as I conceive it, involve any trespass of the legislative department on the jurisdiction of the Executive.

Mr. GOFF. Will the Senator yield right there?

Mr. ROBINSON of Arkansas. Just one moment, if the Senator will permit me.

Mr. GOFF. Certainly.

Mr. ROBINSON of Arkansas. I think it is quite significant that after the declaration was made just a moment ago from my desk that underlying the motion which we are considering is a question of simple justice, and that I was interested to know whether any Senator controverted the statement that had been made from time to time on this floor that in the exercise of an arbitrary power, in abuse of authority, two employees of the commission have been penalized for performing their duty, no reply is made to that, but the answer is that "because you waived, under your rules, the right to notify the President two days later than you did notify him you have estopped yourselves from making any effort to do what you ought to have done in the first instance in the exercise of your power of confirmation."

I doubt whether that is true. I say again that to me there is conscientious force in the argument made by the Senator from West Virginia as to the power of the Senate to compel the Executive to return these nominations that have been confirmed here; but I repeat that there is nothing within my knowledge which makes me assume that if this commission has abused its authority, as is contended here, the President will refuse to comply with the recommendation or request of the Senate.

Mr. GOFF. Mr. President, just one more word and I shall have yielded the floor.

I shall not repeat the argument which I advanced yesterday, that I could not say that there was any motive to punish these executive officials of the Power Commission by



removing them from office because of what they had done. The argument yesterday proceeded along the line as I advanced it, let me say to my friend from Arkansas, that there was no personal injustice inflicted upon these members of the executive staff. I know that when I said they were automatically removed by the law it did not satisfy many of my friends on the opposite side of the Chamber, because they did not agree with the major premise of my syllogism.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. GOFF. Certainly.

Mr. ROBINSON of Arkansas. The Senator has referred to the sides of the Chamber. I do not understand that this is a partisan question.

Mr. GOFF. No; I do not, either.

Mr. ROBINSON of Arkansas. But the Senator is making it a partisan question, or apparently seeking to do so, by implying that he was able to convince all on the other side of the Chamber, and unable to convince those on this side of the Chamber. Now, I want to determine this matter—the Senator may not think that is true, and I do not censure him if he does not think it is true—but, conscientiously, I should like to determine this question according to the standards of common justice, the rules of right and reason that apply among men here in the Senate and elsewhere.

Mr. GOFF. Mr. President, I want to determine this question according to the Constitution of the United States and the decisions of the Supreme Court of the United States construing the rights of the executive and the rights of the legislative branches of this Government. I am not concerning myself in this discussion in the slightest with the question of the justice or the injustice of what was done. Let me say to my friend from Arkansas that I am not actuated in what I am doing by any partisan or by any political motive whatsoever. I referred to the argument yesterday. There were no interruptions on this side of the Chamber. I welcomed the interruptions that my learned legal friends from the other side advanced.

Mr. ROBINSON of Arkansas. I see now what the Senator had in mind. He did not make it clear. He was interrupted from this side, but I thought he was interrupted from the other side of the Chamber repeatedly.

Mr. GOFF. I do not recall it.

Mr. ROBINSON of Arkansas. I think, if the Senator will look back at the CONGRESSIONAL RECORD, he will find that he was more frequently interrupted by Senators who sit on the other side of the Chamber than by those of us who sit on this side.

Mr. GOFF. I should dislike to do that, because that would involve the strength of the memory of my friend and myself; and I will not purposely place his or my recollection in the scales of invidious comparison.

Mr. ROBINSON of Arkansas. No; not in the least, because the infallible record to which we all turn for verification, and which none of us read unless compelled to do so—the CONGRESSIONAL RECORD—will disclose that the interruptions of the Senator from West Virginia came for the most part from the other side of the Chamber. I do wish, however, to conclude my interruption by saying that the Senator has been kind in yielding to everyone, and I have listened to his argument with a great deal of interest; and I have been rather amazed that everyone puts this issue more upon technical ground than upon the ground of actual justice.

Mr. GOFF. Mr. President, let me say this to the Senator: It is not a technical ground, if he will permit me to disagree with the use of terms to which he resorts; it is, as I see it, a constitutional ground. The Constitution does not deny these men, or does not prohibit those who advocate their rights, from seeking a vindication for them through either a removal of their appointments by the President, or an impeachment proceeding initiated in the House of Representatives and tried in the Senate of the United States.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield just once more? I want to add a statement.

Mr. GOFF. I yield.

Mr. ROBINSON of Arkansas. I think it pertinent at this juncture to say that under ordinary conditions I do not think the Senate should or would attempt to pursue a course which might be calculated to influence commissions or the heads of departments in the selection of their subordinates. The same right which Senators enjoy in a less comprehensive measure must be granted to executives. There ought not to be the impairment of the right of the Executive to choose his lieutenants, his agents. But I point out again and again that the very significant statement has been made here repeatedly that the reason for this motion grows out of the fact that the commission, or certain members of it, exercised its powers arbitrarily to penalize persons for doing their duty, and I think that creates a different situation, not a different constitutional situation, perhaps, but a different situation in so far as it relates to actual human justice.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. GOFF. In just a moment. Let me say, in reply to what the Senator from Arkansas has just said, that it all depends upon our convincing each other of the correctness of the propositions advanced, that either he must agree with my construction of the legal effect of this law, or I must agree with his view, that an injustice has been done these men which can be remedied, possibly more quickly, by recalling these nominations and resubmitting them to the Senate.

I want to add this: Time and time again have I heard the action of Federal judges criticized as inhuman, as vindictive, as clearly without any sympathy, as depending somewhat upon judicial legislation in reaching the conclusions at which they arrived before they inflicted the punishment of the law involved, and it has been said, "You should have these judges investigated," and there has been and is only one answer, "Have them impeached if they have been guilty of misusing their great judicial power and inflicting inhuman action upon the people who come within their jurisdiction or their control."

It is my view here that we have no right to recall the executed, vested rights of the Executive at this time in order to undo by indirection that which we could not as a legislative body do directly.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me for one further statement?

Mr. GOFF. I yield.

Mr. ROBINSON of Arkansas. I have said that I have some doubt as to the power of the Senate to compel the President to return the notification of the confirmations. But that does not imply that I believe the Senate had no power to adopt the rule which it has adopted. So far as I know, throughout a long period, the validity of that rule has never before been questioned. Usually, when a nomination is confirmed as a pro forma matter, we say the President shall be notified. But if the Senate had the power to adopt the rule which it has adopted, if it was a valid exercise of the authority conferred on the Senate by the Constitution to make rules for its own procedure, then notice must be taken of the rules which are formulated pursuant to that authority, and is within the limitation of the authority, and it is not clear to my mind by any means that the rule is void. I am inclined to think that it would be sustained. But I repeat, there is a doubt whether under the circumstances of this case, if the President refuses to do so, there is any authority to compel the return of this notification. But I have thought, in view of the peculiar issue which underlies the questions as they have been raised here, perhaps the President would be glad to contribute to the fullest information possible concerning the subject.

I want the Senator to understand now that I do not attempt to preclude the question as to the rights of these men to hold the offices to which they have been nominated. I think that if this issue had arisen before the nominations had been confirmed, if it had been possible for the issue to have been considered then, in all probability the confirmations would not have been made; and since the rule does reserve to the Senate the right to reconsider its action under the circumstances which we are considering, since the Constitution does give the power to make rules for its own



procedure, I am inclined to think, though I have some doubt about the matter, that the reconsideration of the nominations would be a valid exercise of our authority.

Mr. GOFF. Mr. President, I want to say to the Senator from Arkansas, and then I desire to yield to the Senator from Idaho, that my contention is that the Senate rules and regulations can not invade the field of the Executive, and when they attempt to do so they are unconstitutional. I do not disagree with his contention that the Constitution gives the Senate the right to adopt such rules and regulations and orders as will expedite and bring about a definite action in its proceedings.

Mr. ROBINSON of Arkansas. There is no limitation of that nature on the power conferred on the Senate. The Senate could adopt rules which would work an entirely different result.

Mr. GOFF. That is quite correct.

Mr. ROBINSON of Arkansas. And some think we have done that.

Mr. GOFF. Those rules would not possibly, if they encroached upon either the judicial or the executive branch of our Government, be constitutional. I most sincerely wish to leave that view with the Senate. There is no use in our continuing to argue matters upon which we possibly have a divergent view in our initial conception of them.

Mr. BORAH and Mr. GLASS addressed the Chair.

The VICE PRESIDENT. Does the Senator from West Virginia yield; and if so, to whom?

Mr. GOFF. Now I yield to the Senator from Idaho, as I promised to do a moment ago.

Mr. BORAH. Mr. President, the Senator with great adroitness—and I use that term in an entirely respectful way—and with great force has argued that we can not invade the powers of the Executive. I agree with the Senator upon that proposition. If these men are legally in office, there is no way for the Senate to get them out. I agree with that. But the question is, When were these men entitled to take the office?

In the first place, the constitutional power to nominate is in the President, and he nominated. The constitutional power to confirm is in the Senate, and we confirmed. The constitutional power is also in the Senate to make rules and regulations; and if we make reasonable rules and regulations, then, in my opinion, these men are not entitled to take the offices to which they were chosen until the Senate had finally determined the matter under the reasonable rules and regulations of the Senate. It does not seem to me that the notice to the President has any legal or constitutional effect here whatever, because if we had confirmed these gentlemen, had moved to reconsider, and had disposed of that, and had never notified the President, the men would undoubtedly have been entitled to take their oaths; they would have been entitled to the offices. It is my judgment that when the officers have been confirmed under the rules and regulations of the Senate, assuming that they are reasonable rules, they are entitled to take the offices, whether the President is notified or not.

Mr. GOFF. Mr. President, I see that it is nearly 2 o'clock, and I want to yield to the Senator from Virginia, and then I want to say just a word in closing.

Mr. GLASS. Mr. President, the Senator from Idaho [Mr. BORAH] has so much more explicitly and clearly stated the proposition which I had risen to advance that I see no necessity of my propounding the question.

Mr. WALSH of Montana. Mr. President, I think the Senator from Idaho might have added as well that it is not necessary that the officers have commissions from the President.

Mr. BORAH. Quite so.

Mr. WALSH of Montana. As soon as the Senate has confirmed a nomination the appointment is made and the man is entitled to be sworn in and take his office.

Mr. GOFF. Mr. President, let me say in reply, in reference to the commission, the Senator from Montana is referring to what has been universally called the obiter dictum of the Marbury case. The expression was not in-

involved in the decision of Chief Justice Marshall, but it was purely obiter dictum. It was read yesterday by the Senator from Idaho. I do not see the necessity of replying to that, and I will not.

What I do want to say, in closing, is this: That the Constitution of the United States, as I have read it here, as the senior Senator from Delaware [Mr. HASTINGS] has read it, provides three steps which must be taken in order to bring about a legal and constitutional nomination and appointment to an office to which the advice and consent of the Senate must be obtained: That is, first, a nomination sent in to the Senate by the President; secondly, as the Constitution says, the advice and consent of the Senate—nothing is said about its rules and regulations; and, third, as the Constitution says literally and expressively, appointment by the President.

Mr. WALSH of Montana. So the Senator disagrees with Chief Justice Marshall?

Mr. GOFF. I disagree with him.

Mr. WALSH of Montana. On that point the Senator disagrees with Chief Justice Marshall.

Mr. GOFF. I know that the commission is merely legal evidence of what the President has done. But I say this: That under no circumstances can the President of the United States allow any man to take office after he has been confirmed by the Senate and the Senate has notified him unless he first notifies the confirmed nominee of his right to the appointment.

Mr. GLASS and Mr. WALSH of Montana addressed the Chair.

The VICE PRESIDENT. Does the Senator from West Virginia yield; and if so, to whom?

Mr. GOFF. I yield to the Senator from Virginia.

Mr. GLASS. The point right there is as to what constitutes advice and confirmation on the part of the Senate. The advice and confirmation of the Senate must be under the constitutional rules of the Senate.

Mr. GOFF. Oh, that assumes that the rules are unconstitutional. If the Senator had followed my argument—

Mr. GLASS. I have followed it.

Mr. GOFF. With which the Senator from Arkansas [Mr. ROBINSON] said he was in many instances very much inclined to agree, he would have noted that I advanced the proposition that the rules of the Senate exceed the legislative authority of the Senate and are not constitutional.

Mr. GLASS. Of course I do not agree with that statement.

Mr. GOFF. I do not suppose the Senator does. If he agreed with me we would not be contending.

Mr. President, with the many interruptions I have taken more time than should have been consumed, and I now yield the floor with the settled conviction that the motion of the Senator from Montana should not under any circumstances be adopted, and that under no conditions should the request made of the Executive which the motion involves be adopted.

Mr. ROBINSON of Arkansas obtained the floor.

Mr. BRATTON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. ROBINSON of Arkansas. I yield.

Mr. BRATTON. I note the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Arkansas yield for that purpose?

Mr. ROBINSON of Arkansas. I do.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Glass	Jones
Barkley	Carey	Goff	Kean
Bingham	Connally	Goldsborough	Kendrick
Black	Copeland	Gould	King
Blaine	Couzens	Hale	La Follette
Blease	Cutting	Harris	McGill
Borah	Dale	Harrison	McKellar
Bratton	Davis	Hastings	McMaster
Brock	Dill	Hayden	McNary
Brookhart	Fess	Hebert	Metcalf
Broussard	Fletcher	Heflin	Morrison
Bulkley	Frazier	Howell	Morrow
Capper	George	Johnson	Norbeck



Norris	Reed	Smoot	Wagner
Nye	Robinson, Ark.	Steiwer	Walcott
Oddie	Robinson, Ind.	Swanson	Walsh, Mass.
Partridge	Sheppard	Thomas, Idaho	Walsh, Mont.
Phipps	Shipstead	Thomas, Okla.	Waterman
Pine	Shortridge	Trammell	Watson
Pittman	Simmmons	Tydings	Wheeler
Ransdell	Smith	Vandenberg	Williamson

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The Senator from Arkansas [Mr. ROBINSON] is entitled to the floor.

#### DROUGHT RELIEF

As in legislative session,

Mr. ROBINSON of Arkansas. Mr. President, I am impelled to invite the attention of the Senate to a subject different from that which has been under consideration since we met this morning and which is of very great importance.

It has been my observation that when the facts are undisputed there is frequently little difficulty in Senators arriving at an agreement or conclusion. Many years' experience in the practice of the law prompted me to pursue a rule in the advocacy of causes which proved quite effective, namely, to ascertain and make clear the facts. About the subject of drought relief and the necessity for more liberal measures than have been approved by the Congress there exists a surprising confusion with respect to the facts. It is to that subject that I shall address myself briefly.

Certainly, Senators, we all agree that it is never pleasing to anyone here to bring forward situations or conditions which reveal distress and unhappiness and which call for extraordinary measures. It has been and is my purpose to be fair and just in my insistence upon legislation which appears to me necessary in order to meet the requirements of those whom I have the honor especially to serve.

The country has not realized and the Congress has little knowledge of the true situation which prevails in what we have come to know as the drought-stricken regions of the United States. I am fully satisfied that if we could concentrate on the subject and calmly acquire knowledge of the facts as they exist, there would be little difficulty in agreeing upon the necessary measures. It is not a pleasing performance on my part to give emphasis to a situation in my own State about the existence of which questions of fact have arisen. If the President of the United States could be fully informed as to the conditions prevailing in the drought-stricken section, if the Secretary of Agriculture would do what President Hoover did when he was Secretary of Commerce and the floods of 1927 occurred—that is, go in person to the regions afflicted by the disaster, visit in the homes of the people, confer with those who are familiar with conditions—we would not be disputing in the Senate and conflicts would not arise between the two Houses as to what measures of relief are necessary and desirable. But the President does not know, the Secretary of Agriculture does not know, and the head of the Red Cross does not know and probably will not know the facts to which I am about to refer, in all their details.

Mr. John Barton Payne has for some years performed a service which adds to the many distinctions which glorify his record of long usefulness. He has given his time and his efforts to the direction of the labors of that great organization known as the Red Cross. To me there are many emblems of beauty, but there has never appeared any symbol more beautiful than that of the Red Cross. I do not detract in the slightest degree from the value of the services which that organization has in the past performed or from the work which it is now doing under the conditions to which I am about to refer.

Some days ago in a county where I formerly lived and where at one time I knew every adult person within the limits of that county, there occurred a demonstration which has been discussed in the press and which has heretofore been referred to in this Chamber. A number of persons—some say 40, the Associated Press stated 500—appeared in the town of England and demanded food, and while other

citizens there attempted to calm them, they cried aloud, "We want food for our families." That incident has been heralded throughout the Nation and has occasioned some anxiety and much discussion.

It was not the first happening of that kind that has taken place within the drought-stricken regions. The news regarding other incidents of the same nature has been suppressed; and what appalls me is, that with such measure of ability as God has given me, in a position of responsibility and authority, I have been unable and am unable to present the facts in such manner as the Congress of the United States, without humiliation to me or to others, will act decisively and effectively.

When the incident occurred at England the Baltimore Sun, among other newspapers, telegraphed the Governor of Arkansas. No copy of the message which he received has been furnished me, but the Baltimore Sun published the governor's reply. The message of the Baltimore Sun was prompted by the Associated Press dispatch and other news items relating to the incident which took place at England, where the heads of families appeared and demanded that some provision be made for them. I send to the desk and ask to have read the answer of the governor to that message.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

#### ARKANSAS GOVERNOR DENIES FOOD SITUATION IS ALARMING

(Following the food demonstration Saturday at England, Ark., the Sun telegraphed Governor Parnell, of that State, asking for a statement as to the conditions. The following reply has been received.)

By Harvey Parnell, Governor of Arkansas

LITTLE ROCK, ARK., January 5.—Answering your telegram of January 4, please be advised that conditions in Arkansas are by no means alarming and no rioting or violence of any form has taken place, nor is it contemplated that such will be the case.

On Saturday several hundred farmers requested and demanded food, which was furnished. The people of Arkansas and American Red Cross are taking care of the situation in a satisfactory manner and will continue to do so.

The conditions, although not the best because of the drought adversities, are not alarming, and indications are that a normalcy is being resumed.

Various other sections of this and other States are affected in a similar manner, but the situation will be cared for as the occasion arises.

Mr. ROBINSON of Arkansas. Mr. President, that message quite naturally prompted the interpretation that the relief now extended is adequate. As evidence of that fact I cite an Associated Press dispatch purporting to come from the city of Little Rock, Ark., which was published in the Washington Star of yesterday, which I ask may be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

#### ARKANSAS RELIEF IS HELD ADEQUATE—GOVERNOR DECLARES RED CROSS AND PEOPLE TAKING CARE OF IMPOVERISHED FARMERS

LITTLE ROCK, ARK., January 6.—Gov. Harvey Parnell yesterday telegraphed a number of eastern newspapers, saying the people of Arkansas and the American Red Cross were handling relief in a satisfactory manner among farmers impoverished by last summer's drought and subsequent crop failures.

The messages were sent in reply to queries from the newspapers regarding destitute conditions that were emphasized Saturday as more than 300 farmers marched on the town of England, demanded food of merchants there, and were given enough to satisfy their hunger.

Mr. ROBINSON of Arkansas. Mr. President, yesterday before the Committee on Appropriations, under the resolution heretofore adopted by the Senate on drought relief and unemployment, the head of the Red Cross, to whom I have already referred, Mr. John Barton Payne, appeared and made a statement. Among other things, Mr. Payne was asked by the Senator from Utah [Mr. SMOOT] the number of people within the limits of the State of Arkansas for whom the Red Cross was making some provision. Mr. Payne answered that he did not know, and he called upon his assistant, Mr. Smith, to furnish the information. I will read from the record:

What is your question, Senator?



That is Mr. Payne speaking.

Senator SMOOT. The question is, Have you anything to say as to the number of people? Senator CARAWAY says:  
"The officials of the Red Cross said yesterday they were now feeding 100,000 people in Arkansas, and they expected by the 1st of next month to be feeding 250,000."

Senator COPELAND. That is in Arkansas?

Senator SMOOT. This is in Arkansas.

Mr. PAYNE. I do not know how many people we are feeding in Arkansas. Mr. Smith, of my staff, will explain to you what that situation is.

Mr. SMITH (producing map). This is a map prepared with information complete through December 31. It shows three items:

The blue pins show the communities in which seed was distributed through the Red Cross chapter, financed in part through local contributions, as Judge Payne has explained, and in part through money furnished through the national organization.

The black pins show the communities in which other relief has been furnished since that time—food, clothing, and such items—through funds supplied by the national organization.

The red pins show those communities in which similar relief has been supplied, but wholly through funds supplied from the chapter or from donations given to the chapter.

Senator SMOOT. By "national organization" do you mean the national organization of the Red Cross?

Mr. SMITH. Yes, sir. The whole thing is the National Red Cross.

Mr. PAYNE. Which is Arkansas?

Mr. SMITH. Arkansas is right here [indicating on map]. It gives a graphic picture of the extent to which those communities are being dealt with by the Red Cross.

Senator COPELAND. Is the number of persons involved as much as 100,000?

Mr. SMITH. That would be, roughly, twenty or twenty-five thousand families in Arkansas, and I think it would not be too high.

I shall not pursue that testimony. I cite it for the purpose of showing that the information on the subject was not definite or complete on the part of those who testified. Mr. William M. Baxter, who is a renowned Red Cross agent, gave to the Associated Press a report from St. Louis which does give more definite information. He had been on the ground. If my knowledge is correct, he had made a somewhat careful survey of conditions in Arkansas, as well as in adjoining States, and he made this statement:

The public does not realize the seriousness of the situation. Because it is not spectacular as floods, tornadoes, and such disasters, people are not easily made to believe in its seriousness. The Red Cross, he said, has given assistance to 100,000 persons in Arkansas in recent weeks, and expects to be required to help 250,000 within a month. Eight Red Cross chapters in Arkansas have spent \$43,000 of their own funds, and provided \$37,000 worth of clothing, while \$115,000 of funds of the national organization have been spent by the local chapters.

Then Mr. Baxter went on to discuss similar conditions in other Southern States. The head of the Red Cross yesterday said that there remain available \$4,000,000 for its purposes relating to drought relief, and he said, as will be found on page 15 of the record of the hearings before the Committee on Appropriations:

Our feeling has been, and I so advised President Hoover perhaps six or eight weeks ago, that if we are permitted to proceed in our normal way—that means without excitement, it means without clamor—we might get through the winter with our present resources.

Senator BRATTON. That is, about \$4,500,000 now on hand?

Mr. PAYNE. Yes.

The testimony continues in relation to the same subject.

Now, in the performance of my unpleasant duty, as I conceive it, I point out the fact that, while quite naturally the chief authorities of the Red Cross did not know the details, one who is intimate with them, one of its agents who has been on the ground, publicly announces that already the organization has committed itself to the assistance of 100,000 persons, and that in the early future it will have to minister to 250,000 in one State alone.

Do I need to argue to Senators that \$4,000,000 is inadequate to meet such requirements? If such is the case, then I must discredit the intelligence of my associates. For 250,000 persons in a single State, approximately that amount or more would be required.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. ROBINSON of Arkansas. I yield to the Senator from Nebraska.

Mr. NORRIS. In the telegrams that the Senator has read there has been only one, as I remember, that referred to the kind of relief, and that referred to seed.

Mr. ROBINSON of Arkansas. Yes.

Mr. NORRIS. I wonder if the Senator can give us any information as to the kind of relief that it is proposed to furnish these 100,000 people or 200,000 people.

Mr. ROBINSON of Arkansas. Yes.

Mr. NORRIS. The point I want to bring out, if the Senator has knowledge on the subject, is whether food for human beings is part of the relief that must be furnished to these people.

Mr. ROBINSON of Arkansas. Will the Senator permit me to do that a little later in the order that I have mapped out in my own thoughts?

Mr. NORRIS. I shall be very glad to.

Mr. ROBINSON of Arkansas. If I fail to do it to the Senator's satisfaction, I hope he will remind me before I take my seat.

Mr. NORRIS. Very well.

Mr. ROBINSON of Arkansas. I have had read into the RECORD the message of the governor of the State; and upon seeing that message I sent him a telegram which I believe it is proper to have incorporated in the RECORD. I will ask the clerk to read that telegram.

The VICE PRESIDENT. Without objection, the clerk will read the telegram.

The Chief Clerk read as follows:

WASHINGTON, D. C., January 6, 1931.

GOV. HARVEY PARNELL,

Little Rock, Ark.:

Baltimore Sun of this date quotes your telegram to that paper of January 5 stating substantially "the people of Arkansas and American Red Cross are taking care of the situation in a satisfactory manner and will continue to do so; that the conditions, although not the best, because of the drought adversities, are not alarming, and indications are that normal conditions are being resumed and that the situation will be cared for as the occasion arises." This message is being construed that you believe further measures here to be unnecessary and that the State with the assistance of the Red Cross can make adequate provision. My studies and conferences carried on in the State during the last two weeks compel the conclusion that in spite of everything that is being done there continues great distress in many communities. Do you anticipate that the general assembly soon to convene will provide capital for a system of agricultural credits where the capital can not be obtained under existing Federal and State laws? Please advise for use here what measures and action are in contemplation on the part of our State. I concur in the belief that State and other local agencies should do everything possible. Your prompt advice will be greatly appreciated.

With regards and best wishes,

JOE T. ROBINSON,  
United States Senator.

Mr. ROBINSON of Arkansas. The Legislature of the State of Arkansas has not assembled since the conditions which I am describing arose, but it will meet within a few days.

I sent the message just read into the RECORD and received from the governor a reply, which I will ask the clerk to read.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

LITTLE ROCK, ARK., January 6, 1931.

Senator JOE T. ROBINSON,

Senate Office Building, Washington, D. C.:

My wire to Baltimore Sun answered one asking my opinion regarding food riots, and it was intended to inform them only as to acts of violence. You can appreciate the seriousness of having before the eastern public the idea our people were looting and otherwise committing depredations. Did not intend to in any sense leave the impression Arkansas people were not needing assistance, but instead lawlessness would be taken care of. The people in drought-stricken areas must have continued help from Red Cross and Federal Government, and additional appropriations for food and otherwise should be made to mitigate misery now growing worse with all food gone and no winter clothing. It is not contemplated the legislature will be able to make any appropriations for drought relief, as revenues will not permit. Imperative Arkansas delegation continue to place seriousness of situation before Congress and additional assistance be rendered.

HARVEY PARNELL, Governor.

Mr. ROBINSON of Arkansas. Mr. President, certainly the message of the governor to the Baltimore Sun, which I



had read some moments ago, in reply to its inquiry regarding the alleged riot at England, was calculated to confuse the minds of the public regarding the conditions as they actually exist.

I am not going to attempt a complete description of the suffering that I know is taking place, not only in the State of Arkansas but in several neighboring States, as a result of a widespread calamity; but I will ask the Senate to consider some evidence as illustrative of a large volume of evidence which could be produced.

As Senators know, there is a disposition, when one is remote from the scene of trouble, to ascribe little importance to the most serious events; and when one is prosperous in his own possessions and happy in his environment he is not likely to take great trouble to familiarize himself with the misery which afflicts his fellow men in remote localities. So I repeat, at this juncture of my remarks, what I said in the beginning—that the great problem here is to make the facts known, is to overcome the misrepresentation and the concealment, if you please, which for various causes have made it appear that there is little difficulty growing out of the calamity to which I am referring.

In the eastern part of Arkansas is Mississippi County, described as the richest cotton-producing county in all the Southland. My colleague [Mr. CARAWAY] knows every foot of it. I can recall the time when it was a wooded area, much of it composed of swamps; but almost every foot of it has been reclaimed, and it embraces the richest soil of any land with which I am familiar in the Mississippi Valley.

Mr. McKELLAR. Mr. President, is England in Mississippi County?

Mr. ROBINSON of Arkansas. Oh, no. In Mississippi County recently a lawyer of state-wide reputation, a man whose character and veracity are universally regarded, addressed to me a letter dated January 2, which I shall ask to have read from the desk. Before that is done, however, let me explain that this letter comes from an entirely different part of the State than that in which the town of England is located; and it comes from a part of the State that I myself, after all the investigations I have been able to make during the holiday season, thought was rather better off than any other portion of which I had acquired knowledge. It is the richest agricultural county in the State; and I ask the clerk now to read the letter.

The VICE PRESIDENT. Without objection, the clerk will read the letter.

The Chief Clerk read as follows:

OSCEOLA, ARK., January 2, 1931.

HON. JOE T. ROBINSON,

United States Senate, Washington, D. C.

MY DEAR SENATOR: A few days ago I was asked to serve as general chairman of a citizens' relief committee for the Osceola district of Mississippi County, Ark., and in accepting this chairmanship, I did so with the full purpose in view of trying to adequately meet the situation just as it is, and I immediately started a survey of conditions in the Osceola district of Mississippi County, with a view of being able to summarize and get a picture of the situation just as it exists, never dreaming of the conditions that do really exist.

I have been on the job now for two weeks, working day and night, giving every ounce of energy and strength that I have to the problem, and I am very frank to say to you that it is awful, and the more I go into it the more thoroughly I am convinced that actual starvation is going to stalk over the fertile fields of Mississippi County before the 1st of April, unless some measure of relief more than we have in sight is given to us.

In two days I had twelve hundred families apply to me for relief, and in many of these cases personal inspections have already been made, and it is almost the universal report to me that these people are absolutely without food and without any means whatsoever to secure it.

I appeal to Mr. EVANS, of the mid-west division of the American Red Cross, and a Mr. Baker from Washington was sent here to make an investigation, and later Mr. Evans joined him. They explained to me just the problems that the Red Cross has to deal with, of the many thousands of people who are in just the same condition that we are in the Osceola district of Mississippi County. They were courteous; they were in entire sympathy with our problem, but due to lack of funds were not able, so they said, to give us adequate relief. They placed in our hands for the month of January the sum of \$2,500 to buy food for these starving people, and I am very frank to say to you that I could spend this judiciously, carefully, and without waste in one day. However, we are not doing this. We are just doling out food to the very neediest

cases and then not giving them a sufficient supply to anything more than keep them from actual starvation.

If we could secure an additional allotment of \$4,000, or, in fact, any sum from the Red Cross, it would help us to meet this problem and to prevent starvation.

I fully realize that you have the problem of the entire State, and I realize the fact that the Nation as a whole, especially our United States Congress, do not seem to grasp this situation and realize that in this, a land of plenty, that these people are starving. The Commercial-Appeal carried an article this morning from Little Rock that 250,000 people in the State of Arkansas are in need of immediate assistance.

Locally, the citizenship of the Osceola district of Mississippi County has borne this burden nobly. They have reached the end of their resources, and in many instances, it is my prediction and a safe one, that even some of the most honorable citizens of our town and this district will be subjects of charity before the 1st of April. We are trying to secure employment for our people, and but recently I undertook that an allotment of \$300,000 had been made out of the emergency fund to be spent on river work along the banks of the Mississippi River in Mississippi County. I immediately got in touch with the proper authorities with an idea of furnishing this labor, and on yesterday I was advised that Colonel Wilby, who is in charge of the work in this district, had instructed the foreman of the different units of this work that all labor for this work would be supplied out of Memphis rather than giving it to our local people. I think that you should investigate this, and if you find this to be true, see if you can not induce the River Commission or the War Department, or whoever is in charge of the expenditure of this fund, to allow us to use local labor on this work, with a view of helping out the general situation.

Mr. C. L. Moore, Jr., who for the last 12 years has been serving as chairman of our local Red Cross, is in my office at this time and is listening to the dictation of this letter, and he earnestly joins with me in this appeal to you for suffering humanity.

With kindest personal regards and best wishes for a happy and prosperous New Year for you and yours, I am

Your sincere friend,

CHAS. E. SULLENGER.

Mr. ROBINSON of Arkansas. Mr. President, I received this morning a telegram from Mr. Sullenger, which I ask to have read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

OSCEOLA, ARK., January 5, 1931.

HON. JOE T. ROBINSON,

United States Senator,

Senate Chamber, Washington, D. C.:

See my letter January 2. Immediate relief imperative. Situation desperate; people starving; riots threatened; civil officers can not control. Funds allotted by Red Cross will be exhausted within 24 hours; no other means. Hundreds of people hungry.

CHAS. E. SULLENGER.

Mr. ROBINSON of Arkansas. Mr. President, I could consume the entire afternoon reading into the RECORD messages similar to those I have had read. They were selected for the reason, as I have already stated, that they come from a territory which I thought, from my studies, was better off than numerous other localities. I am not going to put into the RECORD other messages from citizens describing this situation.

There are three counties in the State, one of them with a population of 48,000 and some hundred, and having a city within their limits of 15,000, the aggregate population of the three counties to which I am referring being more than a hundred thousand, in which not a single bank is open or in operation. I have already described that condition, and it extends in a less degree to about 50 counties in the State.

One hundred and sixteen banks within the limits of our Commonwealth have gone into receiverships. I do not know the relative number of State and National banks. A few of those banks have been reopened.

If it were not for this situation, the people of Arkansas would be able to carry on. They would form their agricultural-credit corporations, and borrow for seed and feed and food in the usual way. But the banks are closed, the moneys the people saved in previous years' operations are tied up. Last year their crops failed, they grew little food or feed. They are a proud people, and while I am speaking to you, there are many men, women, and children who, without fault or carelessness on their part, just as good as you and yours, who are suffering for the necessities of life.

If the Federal Government will loan to honorable men, whose credit may be regarded as good in spite of their misfortune, \$5,000,000 in the aggregate as capital for agricul-



tural-credit corporations, the Red Cross will not have to dole out food for these proud people.

The Senator from Nebraska asked me a question which I now desire to answer. Usually those in the service of the Red Cross have had broad experience. They are cautious. If the Committee on Appropriations wants to know the facts, let them send for Mr. Baxter. How could Mr. Payne know of conditions, except through reports he receives? Mr. Baxter is the man who went on the ground, and who said a hundred thousand are already receiving assistance, and 250,000 within one Commonwealth alone will be receiving assistance within the next few weeks.

My understanding of the plan pursued by the Red Cross is that it makes a small provisional allowance—\$1, \$1.50, \$2, perhaps \$2.75, for a family—with the purpose of supplementing that allowance from time to time. It does not seek to help men to resume their normal occupations. It does not plan rehabilitation. The Red Cross necessarily comes at the last moment. It is the agent which fights off death from hunger and from cold.

What I have asked, and what my colleague has asked, is that if the Government is to deal with this situation at all, first it should acquire a knowledge of the facts, and then deal with it effectively and adequately.

Forty-five million dollars in loans for seed, feed, and fertilizer, and \$4,000,000 for food and clothes as charity!

Do Senators understand how crop production is carried on in the section of the United States to which I am referring? It is based on a credit system. Loans for feed, seed, fertilizer, clothing, and everything else necessary, are made under normal conditions, and those loans are usually supplied by banks, by merchants, and sometimes by planters. It is customary there for advances for the necessities of life to be made with the beginning of the crop season, and those advances extend throughout. As has already been said, if it were not for a breakdown in the credit agencies, for a drying up of the sources of credit, there would not be a problem of relief before the Congress.

In one of the counties I described a while ago, where 50,000 people reside, where there is a city of 15,000 inhabitants, there is no bank. Enterprising citizens had gotten together funds for the capital of an agricultural-credit corporation, and they sent me word, "We will not need anything done in this county, as we are pledging all that we have to found this credit agency." Within two days the bank with which they had made their arrangements for the capital closed. Then they said, "Find some way to give us capital. We will make it as secure as we can, and we will pay it back. We do not want charity. We ask for opportunity." And I am telling the Senate now that it is narrow, shortsighted policy, for which this Nation will pay, to deny a reasonable opportunity for the rehabilitation which is essential to the life of the Nation.

I said I would talk about what is being done. The Red Cross gives just as little as is necessary to sustain life and must, of course, very carefully safeguard its donations. The fact that in one State there are 250,000 persons requiring assistance and that for the whole territory affected \$4,000,000 is regarded as adequate by the head of the organization is conclusive proof of the extent of the relief that may be expected.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to his colleague?

Mr. ROBINSON of Arkansas. Certainly.

Mr. CARAWAY. On the 26th day of November last I applied to the Red Cross here in Washington for information with respect to the demands that are being made on it from the drought-stricken area alone. I had its report as of November 15 last. I was informed that in the States affected by the drought there were 229,000 families to which relief would have to be extended and that they now have \$4,500,000 with which to do it. That covered not all of the States then, but covered 15 out of the 22 States affected. That covered the worst of the drought-stricken area. Of course, the report does not agree with what Mr. Payne

called attention to yesterday, but the figures came from the national headquarters of the Red Cross here in Washington and were given to me because I wanted them to use in reference to a then pending measure. I placed them in the Record; I do not now remember the date, but possibly two weeks ago. They gave by States the information, and the number of families was given as 229,000.

Mr. ROBINSON of Arkansas. There is a statement in the hearings before the Appropriations Committee which shows the amount of expenditures. There is available, so far as I know, no thoroughly reliable statement as to the methods under which these expenditures are made.

I have said that the Red Cross is necessarily careful and does not wish to encourage unjust or unfair claims. So far as their work goes, it is essential and beneficial. But one point that I wish to emphasize in this connection is that the subject ought not to be treated on the basis of charity. Men who by an extraordinary misfortune, widespread in its character, have been brought to the condition which I have described, a condition which requires relief, would much prefer, and it would be much better, to proceed on the basis comparable to that which is provided in the bill which we passed for providing seed, feed, and fertilizer. In other words, if they could secure loans secured by mortgages on their crops and on anything else that they may have, they would pay back those loans and they would be proud to do it. Experience has shown that such investments are usually regarded as safe. There would be very little loss. But the policy that is being enforced is to compel anyone who has not credit to secure food, to ask alms, to beg, and it is bad for the citizens and bad for the country and the institutions of the country!

Mr. KENDRICK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. ROBINSON of Arkansas. Certainly.

Mr. KENDRICK. At the beginning of this session the Senator from Arkansas introduced a relief bill, which was referred to the Committee on Agriculture and Forestry. The bill contained a provision which would have authorized the sale and distribution of millions of bushels of wheat now held by the Government to those people who are in need and actually suffering from hunger. Does the Senator believe that these people would now be very glad to purchase wheat on time from the Government in case there was opportunity to do so?

Mr. ROBINSON of Arkansas. Certainly.

Mr. KENDRICK. As it appears to me, the most ghastly feature of this situation is the fact that the Government is buying and holding millions of bushels of wheat while thousands are actually hungry for bread.

Mr. ROBINSON of Arkansas. Mr. President, the question of the Senator from Wyoming is filled with significance. It is difficult to understand a policy which refuses to permit the use of any part of the wheat which has been bought up and stored as surplus in a time when there is a great demand for its consumption and its use.

Mr. KENDRICK. Mr. President, will the Senator yield for another question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. KENDRICK. Does the Senator believe that the sale of this wheat owned by the Government, even though the sale must be made on time, to the hungry could seriously interfere with economic plans of the Farm Board?

Mr. ROBINSON of Arkansas. Mr. President, I wish to discuss that matter at some length. My theory is that if the Federal Government would take any portion of the wheat stored up by the Federal Farm Board to stabilize the price of that commodity and distribute it for food through the Red Cross or through credit corporations, it would prove one of the most valuable measures of relief that has been proposed. I base this conclusion on the conviction of a prominent representative of the Red Cross, who said that if the Government would give them 5,000,000 or 10,000,000 bushels of the wheat thus stored up as a surplus, it could be used to great advantage and that it would prove a very valuable measure of relief.



Mr. KENDRICK. May I ask the Senator if he does not believe that the present emergency, which reflects a surplus of products on the one hand and a multitude of hungry people on the other hand, is due as much to underconsumption as it is to overproduction?

Mr. ROBINSON of Arkansas. Why, certainly, Mr. President! That is an aspect of the situation which I shall not attempt at this time to exhaustively discuss, but I will say that the wheat which would be used for distribution by the Red Cross for food would not be in competition with any wheat that might come on the market, because it would be fed to people who are starving for want of food and not to purchasers of food. Of course, the Government might pursue the policy to pay out of one hand into the other, but I am not concerned with the details of the transaction.

A measure similar to that referred to by the Senator from Wyoming as introduced by myself was introduced by the senior Senator from Kansas [Mr. CAPPER]. In connection with that measure the Federal Farm Board was asked to make a report. I ask that the clerk may read that report.

The VICE PRESIDENT. The clerk will read, as requested. The Chief Clerk read as follows:

FEDERAL FARM BOARD,  
Washington, D. C., January 2, 1931.

Hon. CHARLES L. McNARY,  
Senate Office Building.

DEAR SENATOR McNARY: Chairman Legge has handed me your letter of December 29, with which you inclosed a copy of Senate Joint Resolution 210, on which our opinion is requested.

The fact is any amount of the wheat now owned by the Grain Stabilization Corporation is available to relief agencies if they wish to purchase it at the prevailing price. To give it away would impair the revolving fund of this board and use the money for purposes other than that for which it originally was appropriated.

Merely to provide the wheat is only the beginning of providing wheat as a food. The cost of processing and preparing it would be much greater than the cost of the wheat and that would have to be borne out of some fund specially provided therefor.

Considering the per capita consumption of wheat at a little more than 4 bushels per year, 40,000,000 bushels would be sufficient to supply 10,000,000 people for a year. The amount named in the resolution seems exceedingly large.

This board is anxious and willing to cooperate in every practical way in furnishing supplies for relief purposes, but we feel that this should be done through agencies properly established to carry on relief work and the supplies of the Grain Stabilization Corporation should be furnished without impairment of the revolving fund.

Very truly yours,

SAM. R. McKELVIE,  
Member Federal Farm Board.

Mr. ROBINSON of Arkansas. That is an adverse report. The logic underlying it is very difficult for the ordinary mind to comprehend. It is all right to sell the wheat, but it is bad to give it away when it will conserve the purposes of the Government. In my judgment, there is no more wholesome measure of relief that can be afforded than for the Government to take 10,000,000 bushels of that wheat and use it now for food. If anyone has any doubt as to the effectiveness of that proposal as a relief measure, let him ask the Red Cross people!

I promised some time ago that I would introduce some information as to how this great agency distributes—

Mr. BARKLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. ROBINSON of Arkansas. I would like very much to proceed. I would like to discuss the feature of the matter referred to and have been diverted from it several times.

Mr. BARKLEY. Very well.

Mr. ROBINSON of Arkansas. As I have repeatedly said, there seems to be some confusion as to the facts. If the Baltimore Sun or any other great newspaper will send a reliable investigator or newspaper reporter to make an investigation and report on the facts, I am satisfied that it will be helpful to the Congress in reaching a conclusion as to what should be done. One newspaper in Washington seems to have done that thing. It is the Washington Daily News. There was an article published in the Daily News of to-day, January 7, written by a special writer, whom I do not know. His article is apparently written from England,

Ark., the town where the trouble occurred some days ago. I am not in a position to vouch for all the statements which this writer makes. As I have already said, I do not know him. Some of the facts which he sets forth are not within my personal knowledge. We all realize that there is sometimes a tendency to exaggerate. I do not say that Mr. Southworth for the Daily News has made no exaggeration in the statements or implications of his article; but, as illustrating the method by and the extent to which relief is being afforded, I am going to ask the clerk to read the article from the Daily News by Mr. Southworth.

The VICE PRESIDENT. The clerk will read, as requested. The Chief Clerk read as follows:

[From the Washington Daily News, Wednesday, January 7, 1931]  
STARVATION CONFRONTING THOUSANDS IN ARKANSAS—MANY ARE HOMELESS AND HUNDREDS NEED CLOTHES FOR WINTER—CUPBOARDS NEARLY CLEARED OF MEAGER RATIONS DOLED OUT BY MERCHANTS AND RED CROSS—CONDITION GROWS WORSE—PHYSICIANS PREDICT HEAVY DEATH TOLL FROM COMMUNICABLE DISEASES IF AID IS WITHHELD

By Luther Southworth

ENGLAND, ARK.—While the dispute continues as to whether or not this little farming town was the scene of a food riot last Saturday, conditions steadily grow ripe for a showdown which will settle the question.

The Nation has been led to believe that the Red Cross is on the job, that relief has come, and that all is serene. But what the hungry folk around England want the Nation to know is that the Red Cross dole amounts to approximately a dollar a month for each person, or, roughly, 1 cent a meal for each hungry mouth.

#### CUPBOARDS EMPTY

Some families have almost cleared their cupboards of the rations doled out by local merchants Saturday after a group of hungry men and crying women threatened to loot the stores unless the food promised through the Red Cross was forthcoming.

In many cases the two 15-cent cans of condensed milk included in the rations was consumed within two days and mothers are feeding infants on corn bread.

What the leaders of this town of 2,500 and the 11 surrounding communities are wondering is what will happen if nothing more substantial in the way of aid is forthcoming when the present rations are gone.

#### HELPED 305 FAMILIES

The Red Cross gave help to 305 more families Tuesday, bringing the total aided since November 23 to about 1,100. But the hungry people in this vicinity total thousands.

Mayor Walter Williams points out that it will take 3,000 pairs of shoes alone to keep the feet of the hungry people of the neighborhood off the ground this winter.

"I don't know where the shoes are coming from, either," he added. "Even if the people get food until March they are likely to suffer for want of clothes."

Planters are authority for the statement that there isn't a share-cropping family in Lonoke County with a complete outfit of clothing for all members.

#### MANY ARE HOMELESS

Also lacking food and clothing, there are many families without a roof of their own. In some cases four or five families are packed together in cheap shacks. Five families are living in a dilapidated, wooden schoolhouse in England. The roof is half gone and there are no windowpanes to keep out the cold. Eighteen persons are occupying an abandoned house next door to the school. Physicians throughout the county predict a heavy death toll from pellagra this spring because of starvation conditions long enduring. They have already noted an increase in anemia, nervous disorders, and intestinal troubles.

#### NO INDUSTRIAL LIFE

England is in the heart of what was a rich agricultural section until the summer's drought blighted garden, feed, and cotton crops. The low price received for what cotton survived the dry spell insured the ruin of the district. There is no industrial life. Highway construction and all forms of building have stopped.

A bank failure completed the desolate picture. The pittance which cotton pickers earned at an average rate of 75 cents a day soon was spent, leaving hundreds of families without enough money to move elsewhere.

Bryant Dodd, living 8 miles from England, called his case typical.

"Together with my wife and two children, I ended the season with a \$40 debt," he said. "I sold my three hogs for \$11 and my 46 chickens for \$11 more, and that is all the money we have had since last summer."

#### LIVE ON CORN BREAD

"For a month we have lived on corn bread and milk. We have spent less than \$3 for clothing in 18 months."

At the upper end of the scale is William Morris, a prominent planter. His story follows:

"I have 1,600 acres, but they are heavily mortgaged because of previous crop failures. I have several pieces of unencumbered land, but the banks won't lend a cent on it. I have been feeding



175 share-croppers on my place for several months. I lost my cash when the local Citizens Bank & Trust Co. and the American Exchange Bank at Little Rock failed. I have no money to buy seed and other bankers tell me they are not opening new accounts. I don't know what I am going to do."

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Arkansas yield?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. ROBINSON of Arkansas. I yield.

Mr. WALSH of Massachusetts. I should like to ask the Senator if he has any information as to the amount of money which has been spent by the Red Cross in Arkansas?

Mr. ROBINSON of Arkansas. Yes, sir; it is in the record of the hearings of the Appropriations Committee. According to my recollection, the amount is \$115,000.

Mr. WALSH of Massachusetts. To how many people have they been extending aid?

Mr. ROBINSON of Arkansas. They do not know; they have no record here. It is fair to say, however, that they are increasing the number of beneficiaries from time to time. They make small allowances; I think weekly allowances. That is the practice they have been pursuing, but they are trying to get on a monthly basis.

Mr. WALSH of Massachusetts. How long have they been extending such relief?

Mr. ROBINSON of Arkansas. For practically a month.

Mr. WALSH of Massachusetts. Is there any serious dispute by the Red Cross as to the conditions outlined in the news article which has been read?

Mr. ROBINSON of Arkansas. That article, so far as I know, has not been called to the attention of the Red Cross. One of the chief representatives of that organization stated that 100,000 persons were now being provided for by the Red Cross in the State of Arkansas alone, and that the number would increase to 250,000 before the winter shall be over. I assume that his figures are approximately accurate.

Mr. WALSH of Massachusetts. That would indicate, based upon the number of individuals in want, that the disbursements must be very small.

Mr. ROBINSON of Arkansas. Certainly. I have presented that phase of the matter at another time during the course of my remarks.

Mr. WALSH of Massachusetts. Is the Senator acquainted with the fact that the statement was made before the Appropriations Committee yesterday by a representative of the Red Cross that that organization had in its possession approximately \$4,500,000?

Mr. ROBINSON of Arkansas. Yes; and I have also discussed that aspect of the case.

Mr. WALSH of Massachusetts. Very well.

Mr. ROBINSON of Arkansas. I have shown that the amount of money which the Red Cross has would be scarcely adequate, even continuing the small allowances it is now making, for the requirements of that one State alone.

Mr. WALSH of Massachusetts. The views of the representatives of the Red Cross, I understand, are not in accord with those of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I have discussed that situation. The head of the Red Cross, Mr. John Barton Payne, expressed the belief, or rather the hope, that they would be able to get through with the remaining \$4,000,000, but Mr. Baxter, who has been on the ground for the Red Cross and is one of the organization's prominent agents, clearly indicates that a much larger sum will be necessary if the work is to be carried on even on its present basis. It is fair to say that, being charity work, they measure their activities by the absolute requirements. They do not attempt rehabilitation work; they do not attempt to furnish supplies to persons to enable them to produce crops; their effort is to prevent starvation.

Mr. WALSH of Massachusetts. Does the Senator understand that the fund of \$4,500,000 is for relief to all parts of the country, and not to Arkansas alone?

Mr. ROBINSON of Arkansas. Oh, yes; there is no dispute about that. Everyone connected with the Red Cross

understands that it has a reserve of about \$4,500,000 left, and that that is the measure of its possible relief. Of course, it can make appeals for additional contributions, and probably may do so, but I have no authority to speak with regard to the policy of the organization. I know, however, that in all those communities where they are making expenditures the funds are being supplemented by local contributions.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to his colleague?

Mr. ROBINSON of Arkansas. I yield.

Mr. CARAWAY. I was just going to call attention to the fact that Mr. Baxter, who is the mid-west director, and to whom we must appeal whenever aid is asked, for he is in charge of the work in that section of the country, says there will be 250,000 people in Arkansas alone by the first of the month on the relief list of the Red Cross. That \$4,500,000 amounts to \$18 to a person, with the prospect of carrying those suffering and in need for about two months.

Mr. WALSH of Massachusetts. I thank the Senator. I am glad the Senators from Arkansas have made clear the situation.

Mr. ROBINSON of Arkansas. Mr. President, the Senate has already been required to give attention to my statement longer than I felt would be necessary when I arose. I should like to summarize some of the points that are in my mind and which I think ought to be controlling of the policy of the Congress and of the Executive.

First, this is not a case of furnishing food or seed or fertilizer or other supplies to persons under other than extraordinary conditions. Our efforts for relief relate to a calamity so widespread as to be almost national; it is, it might be said, the act of God himself. When an unusual drought, a flood, a cyclone, or other exceptional display of elemental force occurs, the proudest, the bravest, and the most deserving may prove to be the victims. I have seen men who have toiled throughout a lifetime cultivating their farms, supplying the necessities of their families, enjoying the respect and confidence of their fellow men, stricken by the force of nature, impoverished, humiliated, and, for the time being, rendered helpless. If I chose to do so, I could recall, from my own knowledge, instances that are both appalling and inspiring.

Second, last summer there came to about 12 States a drought exceptionally destructive. It happened to be more withering in its power and influence in the State of Arkansas than in any other. The richest land in all the Commonwealth in many instances did not yield one-half the actual cost of production; so that men who in the beginning had bank accounts, who enjoyed prosperity at the beginning of the crop season, saw the accumulations of a lifetime swept away, and found themselves, through no fault of their own and in spite of the best exertions they could make, facing poverty and ruin. Those instances are not rare. They exist by the thousands. Men of that type ought not to be forced to accept charity in order to continue to live under our flag.

If you do not believe my statement, make your own investigation. Go on the ground yourself. Make a study of the situation, and then do what common sense and justice prompts you to do. Do not force me again and again to make a harrowing recital of facts which have disturbed my soul to the extent that my pride is humiliated, my ambition undermined, my hope almost gone.

God forgive the indifference of human beings to the misfortunes of their fellows!

Third, what I should like to see the Congress do is to pass a rehabilitation measure, give the credit, afford the opportunity, take a small chance, in order that hope may spring anew, in order that industry may be revived. The worst thing we can do is to adhere to a policy which makes our equals in every sense subject to humiliation and despair. It is easy to provide the necessary assistance, and it will cost less than to pursue a niggardly policy.

Fourth, let me tell you one thing in conclusion:

As I visualize it, the problem of relief is credit, not charity. It is encouragement, not humiliation. One big



thing to be kept in mind is to maintain and build up the morale of the people. We will not accomplish that end by boasting our generosity to feed a mule or a cow and at the same time declaring our resolution to let human beings starve or accept meager charity.

Mr. GEORGE. Mr. President, I have received and ask to have read at the desk an editorial from the Macon Telegraph, a most conservative newspaper, of January 5, 1931, dealing with the situation now under discussion in the Senate.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Without objection, the clerk will read.

The Chief Clerk read the editorial, as follows:

[From the Macon (Ga.) Telegraph, January 5, 1931]

#### DEMANDING FOOD

The Arkansas farmers who marched into the town of England and demanded food of the storekeepers are in that belt which did not have rain for a hundred days last year when rain was most needed. Those who went through the section found the roads ground to powder, the streams dried up, and cattle nibbling on stubble as brown as if it were the middle of winter. The farmers were able to make no crop; the storekeepers have been able to make no money because the farmers do not have it to spend and the banks have not been able to collect. The vicious circle make it necessary that the farmers either demand or take what they wanted or that some outside agency step in and help them.

The Red Cross has given them temporary relief. On the \$2.75 grocery allowance given by that organization these farmers and their fellow farmers in the drought belt may eat until this week some time. The Government's \$45,000,000 seed loan fund will be available in a few days, but the Secretary of Agriculture does not intend, he has said, to lend that money for any purpose except to buy seed and feed—feed for the animals but not for the human beings who run the farms. The plight of the Arkansas farmers—and the condition extends also into Tennessee, Kentucky, southern Missouri, Oklahoma, and northern Texas, and is found again in parts of Virginia and the Carolinas—makes it imperative that action for their relief shall be undertaken.

When President Hoover opposed the provision in the drought relief bill which would have allowed an additional \$15,000,000 for food loans to farmers, all of it to be repaid, he and those who saw with him said that the Red Cross was amply able to take care of the situation. So far as the reading public knows, nobody has ever tried to ascertain whether the Red Cross is able, indeed, to take care of the situation and whether it is actually doing so. If it is not in position, then such labels as socialism must be disregarded and the Government itself must set up the machinery.

Their condition is not the fault of the farmers. They live in a country which has such an enormous surplus of the base of bread that it can not be marketed and is being hoarded by the millions of bushels; they live in a nation which has produced so much commodity for the making of clothes that it has on hand half a year's carry-over that can not be disposed of. They are a part of an economic system which piles up, on the one hand, enormous surpluses and is not able to distribute them so that there is no poverty and no distress. These Arkansas farmers emphasize for us how far we have yet to go before we have arrived at anything like an intelligent distribution of our farm commodities and the gross inequity of the spread between what the business man gets and what the farmer gets.

Without embarking upon a permanent policy of appropriating from the Government's Treasury for feeding poor people, we can at least make provision for loans for worthy people who are in such straits as the Arkansas farmers through no fault of their own.

Mr. HEFLIN. Mr. President, I am sure that every Senator who heard the speech of the senior Senator from Arkansas [Mr. ROBINSON] was deeply touched by the appeal he made. The people of Washington, Congress in particular, do not know the extent to which suffering exists among the people of the United States. It is hard for them to believe that there is real suffering. Some of them think that because some of the banks have failed an effort is being made to get some money into the States. That is not true. A desperate situation exists in many of the States of this Union. My own State is one of them.

I stated here a few days ago, and I will repeat now, that 1,100 banks failed in the United States in the year 1930. Some few have failed since that time. One in my own home county, in my home town, failed. I was astounded when I heard that that bank had closed. I said on yesterday that it was run by splendid business men, among the finest citizens in the State. Crops have failed because of the drought. Farmers can not pay the merchants, as I said on yesterday, and the merchants can not pay the banks, and there is stagnation in business and widespread distress.

The Senator from Wyoming has suggested that with the Nation holding wheat, something should be done to get that wheat to the people who are really starving. Why can we not do that? I have on my desk a newspaper clipping saying that out in the West, I believe in Iowa, the farmers are burning wheat for fuel, and have found that at the present price it is cheaper than coal. I have also been informed that they are feeding wheat to hogs; that it has become so cheap they are now using it as feed for hogs. Is not that a dreadful situation to contemplate; that in a great and rich Nation like ours we are able to take out of its bountiful supply of wheat vast quantities and feed it to swine, while human beings, made in God's image, must suffer and almost starve?

Mr. President, day before yesterday the Senate adopted an amendment offered by the junior Senator from Arkansas [Mr. CARAWAY] appropriating \$15,000,000 to be used for food supplies for the people who are in great distress. That amendment is in the House now, and no action has been taken upon it, and I do not know that action is contemplated. It may be that the telegram from the Governor of Arkansas printed by the Baltimore Sun has hurt. I hope it has not. It may be that some Members of the House have the impression that there is no genuine distress so that this extraordinary action would be warranted and justified.

I understand that Representative LA GUARDIA is holding the measure up because he wants to provide funds for those in distress who do not live in the farming regions. I do not blame him for that. If there are people in distress in his district and in other places who are not farmers, they ought to have relief from this great Government. But the matter ought to be taken up and considered, and if the House wishes to amend the measure, let the House do so. I submit that this measure is so important, and the exigencies of the occasion so great and urgent, that immediate action ought to be had by the other branch. I sincerely hope that action will be had before adjournment is taken to-day.

Mr. President, I have received quite a number of letters regarding the chief cause of this distress in the country in sections outside of the drought-stricken area. It has to do with the banking institutions, not only there but everywhere. It is the New York Stock Exchange.

I have introduced a bill which provides that the interest rate on call money shall be limited, and I fixed the rate at 8 per cent. I have had a number of suggestions from business men to the effect that the rate ought to be made 6 per cent, and I am willing to amend the measure in that regard. My purpose in limiting the rate was to hold the rate down to so low a figure that there would be no inducement to the banks out in the States to send their money to New York where they could get a higher rate of interest for it. Because of the high rate of interest which has existed in New York on account of speculation on the stock exchange, millions and hundreds of millions of money has gone there. If my bill becomes a law, the rate of interest will be so low that there will be no inducement to send the money there, and that money will remain in the States to answer the needs of legitimate business.

My bill requires that there shall not be speculation on margin. There is the great evil. The London Stock Exchange permits speculation on margin, but it allows settlements only once in two weeks, the difference being that the New York Stock Exchange compels settlement every day.

Mr. President, the whole world has unloaded on the United States and is speculating on the New York Stock Exchange, and I want to call to the attention of Senators one of the great evils we have under the sun. The McFadden banking bill provided—and it was a very innocent-looking provision—that securities pronounced good and sound by the Secretary of the Treasury could be speculated in on the New York Stock Exchange. Following that action the Legislature of the State of New York passed a bill listing foreign securities for speculation on the stock exchange, and I am informed that the Secretary of the Treasury has pronounced as good many of the foreign securities, and, under



the statute of New York State, they are now being dealt in upon the New York Stock Exchange.

That is not all. The McFadden banking bill provided that the Federal reserve banks could invest their trust funds in those securities pronounced good by the Secretary of the Treasury, and they have bought foreign securities and are loaded down with foreign securities. They are frozen credits, and that is one of the reasons for many bank failures in the United States.

Mr. President, I am going to ask the Committee on the Judiciary and every member of it who is interested in his country's welfare to take my bill, to analyze it, to amend it if necessary, to do anything with it that will make it stronger and make it do what I believe nearly nine-tenths of the American people want done, and that is to stop the gambling orgy on the New York Stock Exchange, and which has been going on for months and months.

Senators, in a brief speech that I made here some days ago I called attention to the fact that in one day the losses on the New York Stock Exchange were \$10,000,000,000, and that that was greater than the income of every farm in the United States for the year 1929. The day to which I referred, as I remember, was October 28, 1929. Think of such a thing as that happening. Are we interested in that matter? Are Senators stirred and enthusiastic about doing something to remedy that condition? No, Mr. President; it is unfortunately true that we frequently spend a good deal of time talking and legislating about matters which are not of such great moment.

This is the giant evil of the Republic. Let me read some excerpts from letters I have received:

#### PRESENT DEPRESSION DIRECT RESULT OF GAMBLING

I am glad to see that you have introduced a resolution to prohibit trading in margins on the stock exchange and to limit interest on call money to 8 per cent. I wish to congratulate you on the stand you have taken, as I believe this is the first attempt that has been made to prohibit gambling in the stock market on the necessities; that is, food products and the crude products that go to make wearing apparel.

There is no doubt in my mind but that the present depression is a direct result of gambling (there is no other name for it) on the stock exchange. I see no reason why our National Government and State governments should condone outright gambling in the necessities of life.

This is not alone the writer's opinion, for I have talked to a great many people recently and find them of the same opinion.

I am to-day writing other Senators requesting support of your resolution and will be glad if you will inform me if I can be of any assistance. (H. D. Campbell, Campbell Realty Co., Raymondville, Tex.)

#### STOCK EXCHANGES MENACE TO LEGITIMATE BUSINESS

The greatest relief that Congress can give the American people and American industry is to close the stock exchanges, especially the New York Stock Exchange.

Close the gambling joints first, and then investigate, and give the greedy grafters what is coming to them. In my opinion, the stock exchanges are a menace to legitimate business. (W. A. Webster, Muskogee, Okla.)

#### ALL CLASSES FAVOR BILL

(Western Union telegram.) Notice by press dispatch your bill introduced proposing to prohibit marginal trading on stock exchanges. Wish to congratulate you on this constructive move. You will find sentiment over the country among all classes, including some of our best business men, in favor of a law of this character. Should have been passed 50 years ago. More power to you. (W. R. Ramsey, Oklahoma City, Okla.)

#### NEW YORK STOCK EXCHANGE INTERNATIONAL GAMBLING HOUSE

The World to-day says you want to change the ways of the New York Stock Exchange. It's good to see one brave man get up in the Senate to protect the rights of the people from a gang of pirates who have been robbing the people for years.

Congress must compel all stock exchanges to incorporate under a national law. The New York Stock Exchange is an international gambling house. Its wires run into every State of the Union. In California the gambling begins at 7 a. m. to meet New York time of 10 a. m. Of course, you will have to fight hard to pass such a law, but it can be done. I wish you could see, as I do often, the many that have lost their all in the 1929 crash. Only yesterday I met a poor working girl who bought 10 shares of City Service at \$25 a share—\$250. In three weeks it had fallen to \$14.50 a share. (Arthur Kohn, New York City.)

#### MICHIGAN STATE SENATOR SAYS STOP GAMBLING ON MARGINS

I have just read your speech on the New York Stock Exchange. It is one of the best speeches I have ever read—

Pardon me, Senators, for reading that complimentary notice—

Every sentence of it bristles with truth. Every State in the Union has laws against gambling in most every form, but the State of New York and the United States Government permits the worse gambling den in the world—the New York Stock Exchange—to run unmolested.

Gambling on margins should be made a criminal offense. The Louisiana lottery was a small game compared with the New York Stock Exchange. You are absolutely right in your assertion that inflated values caused by an orgy of gambling and the inevitable bursting of the bubble had more to do than anything else with the great calamity of depression that has now fallen upon our entire country. You are certainly on the right track, and deserve the support of Congress in your battle along this line. (Peter B. Lennon, State senator, Genesee County, Lennon, Mich.)

#### RESOLUTION TO PROHIBIT MARGIN TRADING HITS THE NAIL SQUARELY ON THE HEAD

Your resolution to prohibit margin trading is hitting the nail squarely on the head. While you are not a Representative from the State of Michigan, I wish to congratulate you and I hope you can open the eyes of the people who will not see. I wrote an article soon after the President called a meeting of outstanding business men. I took the position in this article that if the President would prevent gambling in stocks and grains on margins these panics would be a thing of the past. (Chas. Compey, route 4, Scottville, Mich.)

#### PEOPLE SLAUGHTERED LIKE CATTLE IN NEW YORK BROKERAGE HOUSES

I note in last night's Evening World that you are introducing a bill in the Senate to prohibit margin trading on the stock exchange. I am working in one of the largest brokerage houses in New York City and it rends my heart to see how people are being slaughtered as if they were cattle. I am sure you will find hundreds like me who could give you information that would storm the country.

I am indeed sorry that I can not give you my name and address, as I am the only supporting member in my family. (—, New York City.)

#### EXCHANGE WHIPPED PUBLIC MIND INTO A FRENZY OF SPECULATION

The New York Stock Exchange, with its board rooms everywhere, through the use of United States mail, telegraph, telephone, radio, and newspapers, whipped the public mind into a frenzy of speculation and brought on the present distressing conditions. If they had been so many secret agents of Soviet Russia they couldn't have struck a harder blow at the very foundations of our Government. (R. D. Bates, Bloomington, Ill.)

#### LEGISLATION PROHIBITING TRADING IN MARGINS NEEDED

Your resolution to prohibit trading in margins will be one of the most important pieces of legislation for a generation and will do an untold amount of good. (D. C. Taylor, Davis, Calif.)

#### EXCHANGE GAMBLER APPLAUDED AND PRAISED

I have read with approval, and I am sure I voice the sentiments of hundreds of thousands others, of the resolution introduced by you to prohibit trading in margins on the stock exchange.

I am sure that the activities on the exchanges in New York and Chicago were directly responsible in a large measure for our present business depression.

Almost anywhere in the United States when a small gambler is apprehended and fined he is stigmatized, but on the exchanges where the stakes run into the millions the winner is applauded.

Mr. President, we all know that that statement is literally true—

and praised for his shrewdness. (James M. Givens, attorney at law, Muskogee, Okla.)

#### RECENT DEFLATION DEBACLE

You are on the right track when you advocate outlawing marginal trading. When that has been done—against the full force of the most powerful organization the world has ever known—the New York Stock Exchange and its allied banking interests—a recurrence of the tremendous loss the American people have recently suffered will be impossible. The incentive to dishonesty on the part of the broker will be removed in very large measure, because if he is not carrying stocks on margin he will have no pecuniary interest in selling shorts against his own customers. Neither will he have any incentive to put stocks up or down illegitimately, because his interest in a transaction will cease when he has executed an order and earned his commission.

I think you will find, if you will make proper investigation, that members of the London Stock Exchange do not carry stocks on margin.

I have learned that they do, but they require settlement only once every two weeks, as I said, while the New York Stock Exchange requires settlement every day. The New York Stock Exchange wants a short time in which to entice the unsuspecting public and slaughter them before they can escape from the deadfall which has been set for these daily operations.



The game, as played here, is the most dishonest and most disastrous ever conceived. It has built up a power almost beyond the imagination and periodically impoverishes the people at a word from the inside manipulators. It is said that the deflation in the recent debacle was between fifty and seventy-five billion—a stupendous sum, almost beyond calculation.

Financial writers allied with Wall Street, who are usually nothing more or less than kept writers, have tried to convince the people that this was not a real loss. That is absurd. It was a direct cash loss to the extent of the money paid down upon margins and an indirect loss, though real in its effect, to the extent of the balance, which represented hope and luxury buying power of a people who, by propaganda without counterpart in history, had been misled into the belief that investment in stocks of the New York Exchange was almost sacredly safe. Until marginal trading by brokers has been wiped out, this country will always face a menace second to none. (Sidney Norman, Los Angeles, Calif.)

Mr. President, that is all that I desire to put into the RECORD this afternoon upon this subject, but I am going to keep constantly presenting it to the Senate. I want the co-operation of every Senator, particularly the Senators who are members of the Judiciary Committee. I should like to have them promptly act upon my bill. I want them, just as soon as it is convenient for them to do so, to set a day when they will accord a hearing upon it. I desire to bring some gentlemen here from the East, from the New England States, and from the West to appear before the committee. I wish also to present letters that I have received upon this subject.

Senators, something must be done to stop gambling on the New York Stock Exchange. It must be done. I know it is a big question. Some of the letters I am receiving warn me that this is a concern of tremendous political power and that it will be difficult for me to get Senators sufficiently interested in it to consider the question. Mr. President, I should dislike to think that that were true. I believe that Senators here, representing the sovereign States of the Union, are willing to tackle questions of this kind, it makes no difference how big they may be and how dangerous it may be politically to attack them, when they are shown to be dangerous and deadly to the highest and best interests of the country.

Senators, if I were President, I would address a special message to the Congress upon this very subject. If we shall correct the evils of the New York Stock Exchange, we shall have put our hand upon and put down the greatest menace to the business life of America. As I once before said in this body, the New York Stock Exchange throws its giant shadow across the field of human endeavor in every State in the Union. Any evil as great as that ought to be eradicated.

I would not put the exchange out of business; I would let it operate legitimately; I would permit it to sell securities outright or to buy them; I would permit it to buy and sell shares and stocks and bonds outright; but, Mr. President, when we clothe an exchange with the power to sell fictitious stuff and watered stock not only by the millions but by the billions of dollars worth, we clothe them with the power to produce panics; we clothe them with the power to lure speculators into their dens and to slaughter them by the thousands and hundreds of thousands.

A gentleman in my office this morning told me how he had watched speculation in the stock of the Simmons Bed Co. He saw a statement to the effect that the stock was selling at \$60 a share, and he was urged to buy shares at \$60. He was told they were going to be put up to \$100 and more. However, he did not invest; he merely watched the operation. That stock was forced up to \$200 a share, though the company had never earned a dividend, but to-day it is bringing only about \$15 a share. That is skyrocketing business for the idle rich, but it is slaughterhouse business for those who invest their earnings, it may be of a lifetime. Brokers on the New York Stock Exchange lure an army of unsuspecting men and women out in the States into these transactions. The broker tells the customer to put up \$7,500 with him, to sign a contract buying stocks and shares on margin, that he is going to carry them for him. The price goes up a little, then a crash comes, and it goes down considerably. The broker then turns to the customer and asks for more margin, for \$2,000 more, or whatever the

amount may be, perhaps \$5,000. He says, "I have not got it; I can not do it." The broker says, "Very well; under the contract you signed with me I own your contract; you have not got a 5-cent interest in it; all you had in it has been forfeited; it is mine; it belongs to me." Then he takes it. The smooth manipulator cashes in; he "cleans up"; and the poor man or woman walks out empty-handed, all he had having been lost on the gambling exchange that Congress permits to exist. There is not any escape from that conclusion.

We are told that it is a State institution, but that is not true. It uses the telegraph wires, it uses the telephone and radio; it uses the mails; and people in every State in the Union are doing business of some kind with that exchange in New York City. Mr. President, it is a national institution as well as a State institution; and Congress, because of the character of the institution, has jurisdiction over it and ought to legislate in reference to it. I said once before—and I desire to repeat—that if it is a State institution and beyond our reach and control, then Mr. Roosevelt, who is the governor of that State, owes it to the people of this Nation to curb its very dangerous activities. But, Mr. President, I take issue with those who say it is a State institution. It is an interstate institution, and we can regulate it if we will.

I want the Senator from Nebraska [Mr. NORRIS], the chairman of the Judiciary Committee, to study my bill, and if he, good lawyer that he is, can suggest any amendments that will make it stronger, I hope he will feel at liberty to do so, and I hope every other member of the committee will likewise feel at liberty to do so. I want to secure action upon that bill at this session of the Congress.

Mr. President, from time to time I shall ask to have printed in the RECORD letters and excerpts from letters and other statements bearing upon this subject which I think will be helpful to Members of the Senate in the consideration of this question.

#### CONFIRMATION OF POSTMASTERS

As in executive session,

Mr. PHIPPS. Mr. President, I call attention to the fact that there are a number of nominations on the Executive Calendar of postmasters. I was wondering if we could not have those nominations confirmed at this time. I am sure there is no objection to any of them. I ask unanimous consent that they may be confirmed en bloc.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection? The Chair hears none, and the nominations of postmasters on the calendar are confirmed en bloc, and the President will be notified.

#### PROPOSED INVESTIGATION BY TARIFF COMMISSION

As in legislative session,

Mr. McKELLAR. I ask unanimous consent for the consideration of the resolution which I send to the desk. It is the resolution which I endeavored to present this morning. It has been, of course, submitted to the chairman of the Finance Committee.

Mr. JONES. I understand the Senator has discussed the resolution with the chairman of the Finance Committee and that it is satisfactory to him.

Mr. McKELLAR. Yes; I saw the Senator from Utah [Mr. SMOOT] in regard to the resolution, and he was willing that it might be adopted.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 397) was considered and agreed to, as follows:

*Resolved*, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the differences in the cost of production between domestic fresh pineapples and foreign fresh pineapples and to report at the earliest date practicable.

#### PER CAPITA PAYMENT TO SHOSHONE AND ARAPAHOE INDIANS

As in legislative session,

Mr. KENDRICK. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S.



5295) authorizing an additional per capita payment to the Shoshone and Arapahoe Indians, and I submit a report (No. 1244) thereon.

This bill is in the nature of an emergency measure. It merely provides a small per capita payment to the Shoshone and Arapahoe Indians, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

The amendment reported by the Committee on Indian Affairs was, at the beginning of line 6, to strike out "\$25" and insert "\$15," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized, in his discretion and under such rules and regulations as he may prescribe, to make an additional per capita payment of \$15 to the Shoshone and Arapahoe Indians in the State of Wyoming from their tribal funds deposited in the United States Treasury under the act of August 21, 1916.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FEDERAL POWER COMMISSION

The Senate being in executive session,

The PRESIDING OFFICER. The question is upon the motion offered by the Senator from Montana [Mr. WALSH].

SEVERAL SENATORS. Vote!

Mr. WHEELER. Mr. President, I intended to speak upon the pending motion, but I am not prepared to go on this evening. There are a number of other Senators who are absent from the Chamber who also wish to speak upon this question. I am wondering if we can not let the matter go over until to-morrow. We can not possibly conclude it to-night.

Mr. HEFLIN. Mr. President, I should like to ask the Senator from Oregon [Mr. McNARY], if the Senator from Montana will permit me, if it is the purpose to continue with executive sessions during the daytime, when we ought to be passing on legislative matters? Can we not agree to consider legislative matters during the daytime and meet here at 8 o'clock to-morrow night and every other night until we finish with this matter? I think we ought to be using the daytime for the passing of legislative matters.

Mr. McNARY. The Senator from Alabama himself was not very helpful to-day, and until a purpose is shown to transact the business of the Senate there is no use of holding night sessions.

Mr. HEFLIN. Mr. President, I want to say to the Senator that what I was discussing to-day was one of the most important questions before the country. I was calling the attention of the Senate to the fact that thousands of people have been robbed of their accumulations of a lifetime. If the Senator from Oregon does not think that is important, I think there are millions of people who will differ with him.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. WHEELER. Mr. President, I simply rose to say to the Senator from Oregon it now being half past 4 o'clock and I do not see present any Members of the Senate who desire to speak on the pending question, that I thought we would probably expedite proceedings if we would put over until to-morrow morning further debate on the pending question.

Mr. McNARY. I should be very happy to accommodate the distinguished Senator from Montana, but I stated to a number of Senators that the session would continue, I hoped, until about 5.15 in an effort to dispose of executive business. If the Senator is not prepared to go forward, I think there are other Senators who are prepared.

Mr. NORRIS. Mr. President, I was unable to hear the Senator.

Mr. McNARY. I said that I desired to go forward with the debate until 5.15 or thereabouts.

Mr. WALSH of Montana. Mr. President, a number of Senators have spoken to me about their desire to debate the

question before us, but apparently none of them are ready to go forward at this time. We have been quite diligently at it, though interrupted, of course, by other business. I think if we would have the usual executive session now we would make just as much progress if then we would quit for the day.

Mr. McNARY. Is the Senator from Montana willing to negotiate concerning a time to vote, and a limitation of debate?

Mr. WALSH of Montana. I should be very glad to; but in view of the number of Senators who desire to speak on the matter, I am sure that it will be quite impossible to agree upon a time.

Mr. McNARY. Would not the Senator enter into an agreement for a limitation of debate commencing with 3 o'clock to-morrow?

Mr. WALSH of Montana. What limitation would the Senator suggest?

Mr. McNARY. Fifteen minutes.

Mr. WALSH of Montana. I should not like to do that. I do not think that would be a reasonable limitation.

Mr. McNARY. Would the Senator be willing to have a limitation applicable at 4 o'clock to-morrow?

Mr. WALSH of Montana. For myself, I should be quite willing to agree to a limitation.

Mr. NORRIS. Mr. President, I should not want to agree to that now. It may be all right to-morrow, but the Senator from Montana has correctly stated the situation when he says that several Senators desire to speak. Some of those who have spoken have spoken at considerable length, and I am not complaining about it at all. Their speeches have been very enlightening, but there are others who desire to speak at some length also.

Mr. WALSH of Montana. I regret to say that I am sure it would be quite impossible to agree upon any time.

Mr. McNARY. Very well. Then I think some of those who desire to speak should go forward at this time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Robinson, Ind.
Barkley	Fess	King	Sheppard
Bingham	Fletcher	La Follette	Shipstead
Black	Frazier	McGill	Shortridge
Blaine	George	McKellar	Smith
Blease	Glass	McMaster	Smoot
Borah	Goff	McNary	Stetwer
Bratton	Goldsborough	Metcalf	Swanson
Brock	Gould	Morrison	Thomas, Idaho
Brookhart	Hale	Morrow	Thomas, Okla.
Broussard	Harris	Norbeck	Trammell
Bulkley	Harrison	Norris	Tydings
Capper	Hastings	Nye	Vandenberg
Caraway	Hayden	Oddie	Wagner
Carey	Hebert	Partridge	Walcott
Connally	Hefflin	Phipps	Walsh, Mass.
Copeland	Howell	Pine	Walsh, Mont.
Couzens	Johnson	Pittman	Waterman
Cutting	Jones	Ransdell	Watson
Dale	Kean	Reed	Wheeler
Davis	Kendrick	Robinson, Ark.	Williamson

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

#### DROUGHT RELIEF

As in legislative session,

Mr. SMITH. Mr. President, I do not want to delay the consideration of the matter that is before the Senate; but since the matter of the suffering of the people has been discussed here so vividly by the Senators from Arkansas, I deem it my duty to say something about this question.

It is not at all surprising that the distress that we have had so vividly pictured is prevalent in Arkansas. The complete failure of their crop, wiping out their food supplies, has rendered the condition there more acute, perhaps, than might be evidenced otherwise. But, Mr. President, I feel that it is the duty of all the people in the United States, expressing themselves through the organization of their Government, to see that adequate food is furnished the



people of the drought-stricken region, whom I know to be suffering for actual bread to eat.

In my own State, Mr. President, a disastrous condition existed for two years. In 1928 we suffered from the tropical storm. In 1929 we suffered from the most excessive floods. So, in spite of the fact that in 1930 we are alleged to have made the third best crop of any State in the United States, there is in South Carolina to-day absolute suffering, brought about by what? Debts accumulated in 1928 and 1929, both to the Government and to private institutions, took from the producers of the crop of 1930 practically everything they had. That, in conjunction with the depression, with this anomalous, curious condition that confronts us, has put the people of South Carolina, the agricultural interests, the farmers, in a condition that is in a degree as bad as that pictured by the two Senators from Arkansas.

Fifty per cent of the farmers of my State are to-day at a loss to know where they will get the wherewithal even to plant a crop in 1931. The banks are absolutely unable to extend any credit. The Government, the land banks, are selling out farmers every day, turning them in the road. Last Monday I was up at the county seat of the county in which my farm is located, and there farm after farm, the erstwhile possessions of the very best men in the very best section of South Carolina were going under the hammer at less than the amounts of the mortgages that the land bank had advanced. They were turning them out in the road, leaving them without home or shelter, taking their entire crop, their livestock, and the proceeds of the farm, plus the farm, and leaving them absolutely penniless.

A rather curious thing occurred. In the case of 14 farms sold by the land bank, as I was informed, the land bank bid them in at less than the mortgage called for—bid them in, in some instances, at less than the mortgage and less than the amortization that they had paid up to that time.

Here we are appropriating \$116,000,000 to help the unemployed, while another instrumentality of the Government, on account of the conditions required by the letter of the law not being fulfilled, is putting men out in the road to add to the army of the unemployed, rather than our meeting the situation and providing that if the farmer can not pay the interest and amortization, he shall at least be kept there where he can till the soil and make bread and meat for those who are dependent upon him.

Mr. SHORTRIDGE. Mr. President, will the Senator yield for a question for information?

Mr. SMITH. I yield.

Mr. SHORTRIDGE. Would it be necessary to amend the existing law in order to extend the time of payment of moneys due the banks?

Mr. SMITH. There is now on the calendar a bill introduced by me, and I would like to state the conditions to the Senator from California and others who are listening.

Mr. SHORTRIDGE. I ask the question for information, not to argue at all.

Mr. SMITH. I would like to have the time for payment extended to delinquents who are delinquent through no fault of theirs, but who are caught in this unprecedented condition, the result of both the weather and our failure to meet conditions by providing a better system of distribution.

Mr. SHORTRIDGE. Extend the time of payment?

Mr. SMITH. Just extend the time of payment for three years, and allow those people at least to make a living and not become a burden on organized society.

Mr. SHORTRIDGE. Such foreclosures as were made were made under the law; no complaint is made of the officers?

Mr. SMITH. No. They have simply to carry out the law. They have no discretion under the law. They have to carry it out, and in carrying it out they are adding fuel to this horrible fire, and it is for that reason that I took the floor this afternoon.

Mr. SHORTRIDGE. The Senator's bill seeks to extend the time for payment?

Mr. SMITH. That is right.

Mr. KING. Mr. President, if the Senator will yield, I just came into the Chamber, and I am not entirely familiar

with the Senator's bill, and do not know just what ground the Senator has covered. I was wondering whether the Senator had considered the proposition of the right of the Government to extend the time and suspend the running of the statute of limitations.

Mr. SMITH. It is not really a statute of limitations, as we understand the term "statute of limitations." After certain delinquencies have occurred, the land-bank officials have no discretion as to foreclosure. They must foreclose. It is for that reason that I introduced the bill to provide a fund out of which the land-bank officials may meet the interest on the bonds, because the money they get to lend to the farmers is dependent upon the salability of the bonds, and if the bonds become vitiated, then it is impossible to get the money to carry on these loans, and the farmers being unable to meet their notes, they can not meet capital payments, they can not meet the interest and amortization on the mortgages, and it is for that reason that I introduced the bill providing that they may have three years' time.

Mr. KING. I had in mind a case where the notes were now due, or perhaps had been due for several years.

Mr. SMITH. The life of the loans is 32 years. If one keeps up his interest and amortization semiannually, he has 32 years in which to liquidate the debt. The interest and amortization run along together, and at the end of 32 years one has paid the entire loan, both interest and principal. I do not know the exact number of years, but where a delinquent has defaulted a certain number of times, then his land is put up for sale and the proceeds shall go to the credit of the bonds and the mortgage.

Mr. KING. Does the Senator still deal only with loans which have been made by the Federal land bank, or by these other organizations?

Mr. SMITH. The Federal land bank and the joint-stock land bank. I am trying to reach those two institutions.

I see on my desk a resolution, I think introduced by the senior Senator from Florida [Mr. FLETCHER], asking for information from the land bank as to the number of delinquents, and the total amount of delinquency. That information, of course, would be helpful to Senators in the consideration of the measure I now have before a subcommittee. I hope to get a favorable report from the committee.

Mr. HEFLIN. Mr. President, where these foreclosures take place and a forced sale of the land is had, does the Senator know of a single instance where the land has brought as much as the farmer was paying the Government for the loan?

Mr. SMITH. No; and I am glad the Senator from Alabama asked me that question. Right around my home there are innumerable farms on which the land bank has foreclosed and is renting the farms to the very parties from whom it took them. I know numerous instances where they have foreclosed and taken possession of land in the name of the land bank and are renting it to the individuals who could not meet their obligations.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

Mr. SMITH. I yield.

Mr. FLETCHER. The Senator has alluded to a number of foreclosures, and has made the statement, as I understand, that the foreclosures were instituted only in cases where the law required the bank to foreclose because of the length of the default. Is the Senator quite positive about that?

Mr. SMITH. I am not positive about it.

Mr. FLETCHER. Are they not foreclosing in cases where there have been defaults for more than six months or more than 12 months, perhaps, and yet within the time within which the bank has discretion to grant further extensions?

Mr. SMITH. I have not investigated that. It has been intimated to me that the bank has not exercised the discretion it now has.

Mr. FLETCHER. There is no doubt but that the bank has quite extensive discretion about extending time for the making of the payments. Say an amortization payment on account of the principal is due, 1 per cent of the principal



is due, the interest is due at a six months' period, and after default has been made the bank has a right then to foreclose. It has the right to do it. But it has the discretion also to grant an extension of time within something like two years, according to my recollection. A default may continue for some two years before the bank is compelled to foreclose on the mortgage under the law.

I am not sure, but I think perhaps foreclosures have been instituted within the time and perhaps the property sold and bought in by the bank, as it would be the only purchaser who could buy the mortgage, and the banks invariably bid in the property, I take it. In the district where the Columbia Bank is situated some \$4,000,000 have been invested by the bank in farms; at least, that is the amount involved.

What is the bank to do? It is not going to rent farms; it has no authority or power to rent farms.

Mr. SMITH. It is doing it.

Mr. FLETCHER. They are simply buying this property, and in a great many instances I am quite sure they are insisting on foreclosure within the time when they have a discretion to grant extensions.

Mr. SMITH. What would be the Senator's suggestion to remedy that condition? It is appalling in my State.

Mr. FLETCHER. That brings the answer to this. It is a question of administration. I think the law is strong, is good, is sound. It is a question of administration of the law. If the administration is not conducted as it should be, then that raises another question, but I think it is very largely a matter of administration.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH. I yield.

Mr. ROBINSON of Arkansas. In partial answer, at least, to the statement and suggestion just made by the Senator from Florida, let it be understood that both Federal and joint-stock land banks are authorized to issue bonds and to employ the proceeds in making loans. When a bank issues bonds it is required by the law to hypothecate with the registrar of the district first mortgages at least to the amount of the bonds, and the only way the bank has of meeting the interest on its bonds is through the collection of the amortization payments on the mortgages.

While a bank may refrain from foreclosure after an installment becomes due, it must withdraw, after a certain period fixed by the Federal Farm Board, this first mortgage which constitutes the basis of the bonds and supply additional first mortgages. If its collateral is all exhausted, it is compelled to resort to foreclosures in order to meet the payment of its interest on the bonds, and any measure which deals with an extension of payments from the borrowers must also make provision for the interest on the bonds in a corresponding or approximately corresponding amount. Otherwise the result would be that the banks would extend the amortization payments for the benefit of the borrowers, payment of the interest on the bank bonds would be in default and the bank would go into immediate receivership, and then, of course, foreclosures would follow with practically no limit.

There is no way in which either Federal or joint-stock land banks can extend for a period of a year or two years the major part or a large part of the amortization payments to be made by the borrowers and meet the banks' obligations as to interest on the bonds.

This fact should also be carried in mind. These banks by the law are limited in the rate of interest they may charge to 1 per cent above the rate of interest their bonds bear. To illustrate, if they sell bonds paying 5 per cent interest, they may make loans paying 6 per cent interest, and no more. So that the only margin out of which a Federal or joint-stock land bank has to pay overhead and losses incurred in the transaction of business is that 1 per cent, the difference between the rate which the loans carry and the rate which the bonds pay.

There is not a bank in the whole system, within my knowledge, which would not be willing, in fact, which would not

be anxious, under existing conditions, to make extensions in cases where, because of the exceptional conditions which the Senator has in mind, the borrowers are unable to meet their payments. Once you declare that extensions are to be made, payments will cease, and a very difficult situation will arise.

It is not possible for any Federal or joint-stock land bank about which I know anything to extend the payments which its borrowers under the contract are required to make for a period of, say, two years, and carry on business, unless some provision is made to expand the credit of the bank, or to provide funds out of which to meet the maturities on the bonds.

Mr. SMITH. Mr. President, I went up to Columbia and went over the situation very carefully with the president of the bank, who informed me very particularly that in order to keep the bonds salable, in order to keep the bank solvent, they had to have this interest. It was the only source from which they drew capital sufficient to invest in bonds for subsequent loans, and to take care of the interest due on loans already made, but this depressing condition forces them to foreclose.

I did not go into the question of what they do with the land, how they realize on the land which they take and which they are unable to dispose of. The rents they get in no way meet the interest. There are one or two places I have in mind where they did not rent at all. The land is in the name of the bank and lying idle. I understand, though I am not stating it as a fact, that in some sections they have simply allowed the lands to be cultivated and the houses occupied free of any rent pending a sale. They are from time to time making some sales, of course far below the amount loaned.

I went over the question with Mr. Daniel, who is president of the Columbia Bank. He informed me that he was alive to the situation and would be very glad if he had any way in the world, where it was a good moral risk, where the delinquent was delinquent on account of the disasters which have overtaken the whole country and made it impossible for him to meet his obligations, to carry such delinquents if he had any means by which he could meet the obligation that he was under to the bondholders.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. Jones in the chair). Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH. I yield.

Mr. KING. Does not the Senator think, notwithstanding the very humane point of view which he takes and the object which he seeks to accomplish, that in order to accomplish it successfully, unless the banks have large reserves out of which they could meet the accruing interest which has to be paid upon the bonds, the Government of the United States would be compelled, in order to save the banks from bankruptcy and to keep the bonds a good moral risk and to give them any validity, to advance perhaps several hundred million dollars to meet the recurring interest during the three years, to keep the bonds alive and to keep the banks alive, failing which the banks will go into the hands of receivers, as indicated by the Senator from Arkansas?

Mr. SMITH. Oh, I think so. My idea is that we as legislators are confronting and attempting to deal with a condition over which none of us have any control—that is, this economic crash which has come, resulting in disaster to the producers, to the people who are making the where-withal upon which we live, resulting in their being thrown out and dispossessed through the necessity of meeting their obligations. We must remember, too, that we are under obligations to those who bought the bonds. Would it not be better for us to make some provision by which we give to the banks a reserve fund, available for a long time, out of which they in their discretion could meet the interest and charge it up to the property. Then after a reasonable length of time—I have provided in my bill three years—if any degree of prosperity should return, they would stand to lose infinitely less than they are losing now, because in



taking over the property now they are losing the very basis upon which they issued the bonds.

I know of one case which I have in mind where they had a \$10,000 loan. The individual who borrowed had four years' use of the \$10,000. I do not know how much the amortization of that sum would have been for four years, but the property was sold for about \$3,500. It was sold out and that is all the borrower had. Who loses the difference between the \$10,000 and the \$3,500?

There is the proposition. If the land at the time the mortgage was made was worth two or three times that amount, would it not be better for us to make provision that this good moral risk, consisting of a farmer who was met by current disaster and then by a panic the like of which we have never known, should be given a chance to stay on his property until such time as something like normalcy should be restored?

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. SMITH. I yield.

Mr. FLETCHER. These loans were all made upon a basis of 50 per cent of the value of the land, made to real, actual farmers cultivating the land. That 50 per cent estimate was made by the National Farm Loan Association and by the appraiser for the Federal land bank. In my judgment the land constitutes perfectly strong and adequate security. If productive farms in this country are worth nothing, then we have not any basis for valuation for any sort of wealth whatever. The farms, in my judgment, are perfectly good. They are secured by mortgages, as the Senator from Arkansas pointed out, collected and put together, and the amount of the mortgages covered by a bond issue. The bonds are sold bearing usually as low as  $4\frac{1}{2}$  or  $4\frac{1}{4}$  per cent interest. They are tax exempt. They are perfectly good security. If we have anything that is good at all in the United States, these bonds are good because they have back of them real estate appraised at 50 per cent of its actual value and the improvements are 20 per cent of their value.

The farmers have been caught in a jam by reason of flood and drought and inability to dispose of their products and all that sort of thing, but that is only a temporary condition. What I meant by saying it is a question of administration is that I would not undertake, as the Senator from Arkansas observed, if we give notice that we are going to extend the time for a year or two years, to have them quit paying entirely, because then the banks could not pay the interest on their bonds. In my judgment we must deal with each individual case. The bank must take it up with the farmer. If he can only pay half of his interest or one-fourth of his interest, give him a little longer time on the balance. The banks should have discretion to extend the time.

We had better keep the farmers on the farms. The banks do not get any interest or any proceeds with which to pay the interest on their bonds by selling the property or by acquiring it themselves. It is to the interest of the banks to keep the farmer on the farm. They must not give a general notice that they are going to extend the time for payment, but must deal with each individual farmer in the matter of extending his time.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from California?

Mr. SMITH. I yield.

Mr. SHORTRIDGE. The statement of the Senator from Arkansas was enlightening to me and to others. But is it quite fair to criticize the officers of the banks who have foreclosed? The question in my mind is: Have they discretion to extend these periods as indicated by the Senator from Florida?

Mr. SMITH. The Senator from Florida spoke about 50 per cent value. I would like to ascertain throughout the United States—not in my State alone but throughout the United States—what is the actual salable value of farm land now as compared with five years ago.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield at that point, for that is the point as to which I rose a moment ago to interrupt him?

Mr. SMITH. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Conditions in a large part of the territory with which I am familiar are now exceptional. Foreclosures result in the banks obtaining title to large areas of land, because there is at this time practically no market for real estate. It is undoubtedly true that a movement must come back to the land. It is undoubtedly true that it constitutes the best security in the long run. But we can not foreclose mortgages now and find purchasers for the land. The banks are already acquiring considerable areas of land. As the Senator well understands, when a bank takes title to real estate it must carry it as real estate. It can not use it as the basis of further loans or as collateral for its bonds. It must write it out of its transactions and carry it as real estate. The Federal Farm Board has relaxed its rules in that respect in some particulars in recognizing the present situation.

The Senator is addressing himself to one of the most important subjects that has been brought before the Congress or that can be brought before the Congress. But I wish to emphasize the statement which I made a few moments ago that we can not deny the banks the right to foreclose because of past-due installments unless we make some provision also for the interest on the bonds of the banks.

Mr. SMITH. That is the very point I am trying to make. The bank can not discharge its duty, and in the disastrous condition now confronting us carry indefinitely the delinquencies which are piling up. The people have not the money to pay. Not having the money to pay, the banks can not meet their obligations to the bondholders. The result of what is now happening is that the lands which are necessarily being foreclosed are being thrown on the market, and just what is the reaction on the banks I am unable to state. I would like to have had time enough to go into that question so as to ascertain into what form they convert the titles they are taking into an asset to meet the situation which they are required to meet under the law.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Arkansas?

Mr. SMITH. I do.

Mr. ROBINSON of Arkansas. There is a phase of the subject which has not been mentioned so far as my recollection goes, although a part of the time since the discussion began my attention has been engaged with other matters. But due to the conditions which have been described there is a real danger of a breakdown in the Federal land-bank system which has occurred to this extent, and we might as well state it frankly. Few of the banks are now making loans. Some of the joint-stock land banks have completely suspended making loans and are in a process of liquidation. There is no criticism to be made of that course, because it is the sound thing for them to do.

But there ensues a result which I think must receive some consideration, and that is that those banks in the aggregate are estimated to have saved in reduced interest rates to the farmers of the country something like \$200,000,000 a year. I have seen various figures and estimates, but my information is, and I obtained it from the president of one of the Federal land banks, that it is at least \$200,000,000 a year.

At this time the banks, as a rule, are not expanding their loans; they are not making new loans; they are looking after their existing loans; and, quite naturally and as might be expected, rates of interest on farm loans are again rising. In one State it was pointed out to me that the rate charged by private loan companies had already advanced by approximately three-quarters of 1 per cent per annum because of the virtual absence of competition on the part of the land banks.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. ROBINSON of Arkansas. Certainly.



Mr. McNARY. If the Senator has not concluded his statement I will not ask him to yield.

Mr. ROBINSON of Arkansas. I have concluded my statement.

Mr. McNARY. Mr. President, according to the promise I made earlier in the afternoon, I should like at this time to move a recess. It is now a quarter after 5 o'clock.

Mr. SMITH. Mr. President, I have just a word or two more to say and then I will be through.

The Senator from California [Mr. SHORTRIDGE] asked me what I proposed. Just in a word, let me say that the terms of the bill I have introduced provide for the appropriation of a certain amount of money for the land banks and their advisory councils to be used in their discretion in order to carry the interest of delinquents who, in their judgment, should be accorded the extension and whose property, in their judgment, would ultimately be saved by extending for three years the time within which payment might be made for money advanced by the Government. Such a measure would assure the bondholders that they would receive the interest on their bonds and would give the delinquent individuals three years' time in which to work out their problems. We all hope that in that length of time conditions will be improved. In any event, such a measure would give at least three years' time in which there would not be, perhaps, such a disastrous loss even to the banks as might otherwise occur, for in taking the property it is evident to every man that the banks are getting nothing like the value of the money which they have already advanced on it.

Mr. MORRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. I do.

Mr. MORRISON. Is not that situation in North Carolina and South Carolina greatly aggravated by the fact that in some counties the entire banking system is prostrate?

Mr. SMITH. That is true.

Mr. MORRISON. With every bank in those counties closed, the farmers, though solvent, their property being almost valueless, are unable to borrow money.

Mr. SMITH. Yes. I should like to say in conclusion that conditions are such that there is no fixed value on anything outside of the dollar, and the dollar is not present. That is the condition which confronts the country at large, not only the farmer but the merchant and the business man. It is a condition that has never been paralleled or approximated in the history of this country. Everything is at a dead standstill. Already the merchants are beginning to sacrifice the goods on their shelves in order to gather in a little ready cash. The situation is such that I hope the committee will be able promptly to take action. I am sure the chairman of the committee before which the bill is pending will join me in urging a favorable report, so that when the measure shall come before the Senate for consideration it will be possible to appropriate a sufficient sum of money to meet the situation and enable people in distress to retain their homes.

#### REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The VICE PRESIDENT laid before the Senate the report of the operations of the Georgetown Barge, Dock, Elevator & Railway Co., submitted pursuant to law for the calendar year 1930, which was referred to the Committee on the District of Columbia.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from Sophie Judd Cooke (Mrs. George P. Cooke), chairman committee on legal status of women, League of Women Voters of the Territory of Hawaii, Honolulu, praying for the passage of House bill 4656, being a bill to amend the Hawaiian organic act, as amended, which was referred to the Committee on Territories and Insular Affairs.

He also laid before the Senate a resolution adopted by the Council of the Municipal Government of Bago, Province of Negros Occidental, P. I., protesting against appointment of Mr. Nicholas Roosevelt as vice governor of the Philippine

Islands, which was referred to the Committee on Territories and Insular Affairs.

He also laid before the Senate resolutions adopted by the Filipino Barristers' Association of California, Los Angeles, Calif., protesting against the passage of legislation restricting immigration as applied to the Filipino people, which were referred to the Committee on Immigration.

He also laid before the Senate resolutions adopted by representatives of various Russian organizations at Chicago, Ill., favoring the outlawing of the Communist Party of America and the immediate deportation of all members of that party, which were referred to the Committee on Immigration.

He also laid before the Senate a letter in the nature of a petition from J. D. Pyle, president of the ex-Slave Association of the United States of America, at Kaufman, Tex., praying for the passage of legislation granting pensions to ex-slaves, which was referred to the Committee on Pensions.

He also laid before the Senate resolutions adopted by the Republican Executive Committee of Ascension Parish, at Donaldsonville, La., indorsing the candidacy of Hon. B. V. Barance, of Baton Rouge, La., for comptroller of customs at New Orleans, which were referred to the Committee on Finance.

He also laid before the Senate a communication from Charles Davis, of Bass River, Cape Cod, Mass., embodying a plan to eliminate unemployment and for the restoration of prosperity, which was referred to the Committee on Education and Labor.

Mr. SHIPSTEAD presented a petition of sundry citizens, being World War veterans, of Hawley, Minn., praying for the passage of legislation providing for the immediate payment of the face value of veterans' adjusted-compensation certificates, which was referred to the Committee on Finance.

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIAMSON presented petitions of sundry citizens of Louisville and Trigg County, Ky., praying for the passage of legislation for the payment in cash of adjusted-service certificates of ex-service men, which were referred to the Committee on Finance.

#### REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2335) providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant on the retired list of the Navy, reported it with amendments and submitted a report (No. 1231) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2429. An act to amend the act entitled "An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age," approved January 19, 1929 (Rept. No. 1232);

H. R. 4731. An act for the relief of Frederick Rasmussen (Rept. No. 1233); and

H. R. 7639. An act to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928 (Rept. No. 1234).

Mr. SHORTRIDGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6453. An act for the relief of Peder Anderson (Rept. No. 1235);

H. R. 8117. An act for the relief of Robert Hofman (Rept. No. 1236); and

H. R. 11212. An act to authorize a pension to James C. Burke (Rept. No. 1237).



Mr. WATERMAN, from the Committee on Naval Affairs, to which was referred the bill (H. R. 8936) authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign, reported it without amendment and submitted a report (No. 1238) thereon.

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 6193. An act for the relief of Sidney Morris Hopkins (Rept. No. 1239); and

H. R. 6194. An act granting six months' pay to Arthur G. Caswell (Rept. No. 1240).

Mr. MCGILL, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10365) for the relief of Tracy Lee Phillips, reported it without amendment and submitted a report (No. 1241) thereon.

Mr. GOLDSBOROUGH, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1892. An act for the relief of Henry Manske, jr. (Rept. No. 1242); and

H. R. 4760. An act for the relief of Guy Braddock Scott (Rept. No. 1243).

Mr. DAVIS, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1075. An act to correct the naval record of James M. Hudson (Rept. No. 1245);

H. R. 3950. An act for the relief of David A. Dehart (Rept. No. 1246); and

H. R. 4907. An act for the relief of Thomas Wallace (Rept. No. 1247).

Mr. BROUSSARD, from the Committee on Naval Affairs, to which was referred the bill (S. 3951) for the relief of Walter Harrell Allen, reported it without amendment and submitted a report (No. 1248) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4715: A bill for the relief of John T. Doyle (Rept. No. 1249); and

S. 4716. A bill for the relief of Mrs. Thomas Doyle (Rept. No. 1250).

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5564) to adjust the boundaries of the Bryce Canyon National Park, Utah, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 5565) to amend sections 1 and 7 of the second Liberty bond act, as amended; to the Committee on Finance.

By Mr. SHORTRIDGE:

A bill (S. 5566) for the relief of Bernard G. Molsberger; to the Committee on Military Affairs.

A bill (S. 5567) granting an increase of pension to Edith Young Knight; to the Committee on Pensions.

A bill (S. 5568) for the relief of John S. Bonner; and

A bill (S. 5569) for the relief of William Bartlett Haegeler; to the Committee on Naval Affairs.

By Mr. REED:

A bill (S. 5570) to authorize the modification of the boundary line between the Panama Canal Zone and the Republic of Panama, and for other purposes; and

A bill (S. 5571) to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932; to the Committee on Foreign Relations.

A bill (S. 5572) granting an increase of pension to Mary Farrow (with accompanying papers); to the Committee on Pensions.

A bill (S. 5573) authorizing the Court of Claims of the United States to hear and determine the claim of Samuel W. Carter; and

A bill (S. 5574) for the relief of A. J. Segel (with accompanying papers); to the Committee on Claims.

A bill (S. 5575) to amend an act entitled "An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn."; to the Committee on Finance.

By Mr. FRAZIER:

A bill (S. 5576) granting a pension to Ann Monaghan (with accompanying papers); to the Committee on Pensions.

By Mr. HAYDEN and Mr. BRATTON:

A bill (S. 5577) to permit relinquishments and reconveyances of privately owned land within certain counties in the State of Arizona to the United States for the benefit of the Navajo Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. WATSON:

A bill (S. 5578) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River; to the Committee on Commerce.

By Mr. HASTINGS:

A bill (S. 5579) for the relief of Charles Holding; and

A bill (S. 5580) for the relief of Edward O'Neill; to the Committee on Military Affairs.

By Mr. GLASS:

A bill (S. 5581) to amend section 1 of the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States," as approved June 21, 1930; to the Committee on Military Affairs.

By Mr. BRATTON:

A bill (S. 5582) granting a pension to W. O. Thompson; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 5583) to amend the radio act of 1927, approved February 23, 1927, and for other purposes; to the Committee on Interstate Commerce.

By Mr. NORBECK:

A bill (S. 5584) granting a pension to Frank J. Higgins (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 5585) for the relief of Agnes Putnam Booth; to the Committee on Military Affairs.

By Mr. HAYDEN:

A bill (S. 5586) to authorize the President of the United States to establish the Canyon De Chelly National Monument within the Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 5587) for the relief of officers and enlisted men of volunteer organizations mustered into service for the war with Spain, and who were held to service in the Philippine Islands after the ratification of the treaty of peace April 11, 1899 (with an accompanying paper); to the Committee on Military Affairs.

#### CHANGE OF REFERENCE

On motion of Mr. PHIPPS, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 5348) to authorize appropriations for construction of additional hospital facilities at Fitzsimons General Hospital, Denver, Colo., and for other purposes, and it was referred to the Committee on Finance.

#### BOUNDARY LINE BETWEEN THE CANAL ZONE AND REPUBLIC OF PANAMA

On motion of Mr. REED, the Committee on Military Affairs was discharged from the further consideration of the message of the President of the United States, transmitted to the Senate on December 20, 1930, recommending the passage of legislation authorizing and empowering the Secretary of State to effect the modification of the boundary line



between the Panama Canal Zone and the Republic of Panama, so far as it affects that parcel of land in the Panama Canal Zone known as the Paitilla Point Military Reservation, and the message (with the accompanying papers) was referred to the Committee on Foreign Relations.

#### EMPLOYMENT OF A MESSENGER

Mr. PHIPPS submitted the following resolution (S. Res. 396), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate is authorized and directed to employ a messenger to be paid at the rate of \$1,680 per annum out of the contingent fund of the Senate until otherwise provided by law.

#### EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States, submitting sundry nominations, were referred to the appropriate committees.

#### RECESS

Mr. McNARY. As in executive session, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, in executive session, took a recess until to-morrow, Thursday, January 8, 1931, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate January 7 (legislative day of January 5), 1931*

##### SECRETARIES IN THE DIPLOMATIC SERVICE

C. Burke Elbrick, of Kentucky, to be a Foreign Service officer, unclassified, a vice consul of career, and a secretary in the Diplomatic Service of the United States of America.

George P. Waller, of Alabama, now a Foreign Service officer of class 7 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

##### UNITED STATES ATTORNEY

George Z. Medalie, of New York, to be United States attorney, southern district of New York, to succeed Charles H. Tuttle, resigned.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate January 7 (legislative day of January 5), 1931*

##### POSTMASTERS

##### CONNECTICUT

Edward Adams, Taftville.

##### FLORIDA

William C. Bretz, Fort Lauderdale.

Fred E. Hall, Winter Haven.

##### MINNESOTA

Otto W. Peterson, Audubon.

Otis T. Wentzell, Moorhead.

##### NEW JERSEY

Alfred O. Kossow, Cedargrove.

Clifford R. Bower, Columbus.

Henry C. Allen, Paterson.

##### PENNSYLVANIA

Asa F. Hockman, Chalfont.

Paul M. Seaber, Lititz.

Isaac L. Shilling, Reedsville.

##### SOUTH DAKOTA

Floyd V. Stephens, Canova.

Arthur M. Hanson, Iroquois.

Robert C. Van Horn, Kennebec.

Elmer N. Rasmussen, Onaka.

Reynold H. Peterson, Pollock.

Daisy B. Chamberlain, Quinn.

Lydia H. Johnson, Sanator.

Harry D. Crosmer, Scenic.

Eloise Holdren, Vale.

Archibald B. Elliott, Valley Springs.  
Charles E. Sheldon, Watauga.  
Merrill Kaufman, Wood.

##### TEXAS

Charles J. Steves, Bay City.  
John B. Miller, Tyler.

##### VIRGINIA

Ferdinand C. Knight, Alexandria.  
Louise J. Nottingham, Eastville.  
Augustus R. Morris, Jetersville.  
Georgie H. Osborne, Keysville.  
Clinton L. Wright, Norfolk.  
Albert L. Taylor, Parksley.  
Charles V. Tucker, Phenix.  
Patrick J. Riley, Portsmouth.

##### WISCONSIN

Clayton M. Honeysett, Footville.  
Raymond E. Lingsweiler, Sturtevant.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 7, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

With the boldness of love and with humble confidence, we wait in this quiet moment, Heavenly Father. Thy chastisements have been most merciful. Come to our rescue, if we are weak and overborne; and if we are captive, release us and become our Redeemer. Be pleased, O God, to remember us, and may everything that is benign and pure rule over whatever is selfish, proud, and hateful. Thou who broodest over the world and dost spread abroad Thy wings and it is night, and let Thy face shine and it is day, make us Thy children of the morning, walking, waiting patiently for that character that shall be in us when we see Thee face to face. Let the divine impulse rest upon us this day. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 13130. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.; and

H. R. 14446. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4803. An act to extend the time for constructing a bridge across the Atchafalaya River at or near Morgan City, La.;

S. 4804. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Krotz Springs, La.;

S. 4805. An act to extend the time for construction of a free highway bridge across the Red River at or near Moncla, La.;

S. 4806. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Alexandria, La.;

S. 4807. An act to extend the time for construction of a free highway bridge across the Red River at or near Coushatta, La.;



S. 4808. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Shreveport, La.;

S. 4809. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Ouachita River at or near Sterlington, La.;

S. 4810. An act to extend the time for construction of a free highway bridge across the Ouachita River at or near Monroe, La.;

S. 4811. An act to extend the time for construction of a free highway bridge across the Ouachita River at or near Harrisonburg, La.;

S. 4812. An act to extend the time for construction of a free highway bridge across the Black River at or near Jonesville, La.;

S. 5456. An act to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45;

S. 5457. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21; and

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7.

#### ORDER OF BUSINESS

Mr. GARNER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GARNER. Mr. Speaker, may I be recognized to propound a unanimous-consent request? I ask unanimous consent to take from the Speaker's table the drought relief appropriation bill and consider it in the House as in Committee of the Whole, so as to facilitate the passage of the measure.

The SPEAKER. The Chair thinks that under the circumstances, the chairman of the Appropriations Committee being present and having made a request for unanimous consent yesterday, the Chair would not recognize any gentleman to make such request without at least the suggestion of the chairman of the Committee on Appropriations.

Mr. GARNER. In other words, then, I am asked to transfer my allegiance from the Chair, who has the right of recognition, to the man that I have to get the permission from.

The SPEAKER. The Chair accepts the transfer.

Mr. GARNER. I ask unanimous consent, Mr. Wood, that we take up the drought relief bill in the House and consider it as in Committee of the Whole, with a view of expediting its consideration.

Mr. WOOD. I do not see any reason why this drought relief bill should be treated in a different way from any other appropriation bill. I am perfectly willing to ask unanimous consent to take this bill from the Speaker's table, disagree to all Senate amendments, ask for a conference and the appointment of conferees, and act upon it just as quickly thereafter as is possible.

Mr. GARNER. I would suggest to the gentleman that we could have got through with all this yesterday. We could get through now in an hour. There are only two amendments. We could take them up in the House as in Committee of the Whole and in an hour we could finish discussing them, and then the House would have an opportunity to express itself upon the amendments, so that when it went back to the Senate the Senate would know the will of the House, and this is the only way to get it done that I know of.

Mr. WOOD. I do not want to violate any of the courtesies or the ethics we owe to our brothers on the other side of the aisle. We ought to give them at least an opportunity to correct their mistakes. [Laughter.]

Mr. GARNER. Let us determine whether it was a mistake or not. That is what we want to do. We want an

opportunity to determine whether they made a mistake or not.

Mr. WOOD. I will ask unanimous consent to take the measure from the Speaker's table.

Mr. GARNER. What about my unanimous-consent request, Mr. Speaker?

The SPEAKER. The Chair has not recognized the gentleman up to this time. [Laughter.]

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the drought relief appropriation resolution, House Joint Resolution 447, with Senate amendments, disagree to the Senate amendments, ask for a conference, and the appointment of conferees on behalf of the House.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the joint resolution, House Joint Resolution 447, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I just came into the Chamber. My committee was in session this morning. I take it this is the same bill that was called up yesterday to which I objected, with other Members of the House. Since then I have not heard from the committee that there would be any effort made to meet the objections I stated yesterday. When the Congress appropriates for seeds we in the cities can at least justify that on the theory—and I emphasize the word "theory"—that an area of the country being stricken by a drought and not having seeds to plant for the necessary food from the next crop, we can justify that at home that such a measure was necessary not to have a shortage of food supplies and resulting high prices; but when it comes to the distribution of food, then there is no difference whether the needy are in a drought-stricken area or in a tenement area of unemployment within a city. If food is to be provided by the United States Government I submit the cities must be treated the same as the rural districts.

Mr. WOOD. I think if the gentleman from New York will read the hearings had before the Senate Committee on Appropriations yesterday when Mr. Payne, who is the head of the Red Cross, testified, he will be perfectly satisfied that everything is being done that is humanly possible to be done in taking care of the suffering in the cities. There are community chests and other organizations to do such work in the cities, but there are no such organizations throughout the rural districts and the Red Cross is aiding there. I have been informed by several cities that there is no real suffering but what can be taken care of in the cities, especially in cities of 20,000 inhabitants or more, and I notice it was stated yesterday that \$8,000,000 had been raised by the city of New York and that there were ample organizations to take care of the situation.

Mr. LaGUARDIA. I submit to the gentleman whether it is fair to have the city of New York contribute \$8,000,000 for its own relief and then also contribute, through taxes, to these other relief measures that the gentleman is so generously providing?

Mr. WOOD. I will say to the gentleman from New York that the Red Cross is taking care of all the suffering existing in the rural districts.

Mr. LaGUARDIA. I submit, Mr. Speaker, when an objection is made in absolute good faith, and notice is served, the least the committee can do is to ask to have the bill go back to the committee and give us a hearing on it; but in the meantime I shall renew my objection.

The SPEAKER. Objection is heard.

Mr. CULLEN. If the gentleman will permit, in regard to the \$8,000,000, the so-called Prosser fund, that has been distributed and the fund will become entirely exhausted by the 1st of April, according to the judgment of those who are handling that fund. So we need some money for the cities as well as for the country.

Mr. LaGUARDIA. And the gentleman may add that it has been budgeted for the care of 20,000 families, and we have more than that in need now.



## EXTENSION OF REMARKS

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to print, following my speech of yesterday on the question of speak-easies in Indianapolis, an admission published in the Baltimore Sun of to-day by the authorities of Indianapolis.

Mr. SPROUL of Illinois. Mr. Speaker, I object to the newspaper article.

## INSPECTION OF THE LOWER MISSISSIPPI

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a description of an inspection of the lower Mississippi by my colleague the gentleman from Kansas [Mr. GUYER].

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SINCLAIR. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a very interesting account of the trip made last summer by members of the Flood Control Committee of the House to investigate flood conditions and works on the lower Mississippi River. This report has been prepared by Hon. U. S. GUYER, of Kansas, and has appeared in print in the Iola Daily Register and the Lawrence Daily Journal-World.

[From the Iola Daily Register and the Lawrence Daily Journal-World]

NEW ORLEANS, July 14, 1930.—The Flood Control Committee of the House of Representatives arrived at New Orleans to-day, the guests of the State of Louisiana. The French of the city are celebrating the fall of the Bastille, which occurred July 14, 1789—the French Fourth of July. New Orleans is quite as distinctly French as Milwaukee is German.

The committee is here to inspect the work already done for the control of the Mississippi floods and to see at first hand the lands devastated by the 1927 flood in order more intelligently to deal with the greatest engineering problem before any nation at this time.

There are 750,000 people in the Mississippi Valley trembling beneath the sword of Damocles—the threat of recurring Mississippi floods. The city of New Orleans, nestling behind levees higher than the city, has a population of about 500,000, and if some adequate flood protection is not provided it will sometime suffer a tragedy that will stagger the world. There could be no means of transporting 500,000 men, women, and children the necessary distance to safety in the event of a superflood. If all the tributaries of the North or most of them should be in flood at one time and hurl their mighty waters upon New Orleans, that city would suffer a loss of life and property without parallel in the history of floods.

The Flood Committee of the House intends by protective works to make such a cataclysm impossible. That is why the State of Louisiana, through its dynamic governor, Huey P. Long, invited the committee to spend a dozen sweltering days studying this monumental problem. In constructive and creative statesmanship nothing which promises equal results is before the Congress at this time. It not only deals with flood control but embraces reforestation and soil conservation as well.

New Orleans, like Kansas, gets its title from Napoleon, and its whole history is saturated with the romance of the great Corsican and his ambition. Napoleon longed to send an army to America to regain the great empire which France lost at the Battle of the Heights of Abraham on September 13, 1759. He at one time contemplated sending General Victor with 25,000 grenadiers to hold Louisiana against the world. He had a vision of an American Napoleonic empire centered around Louisiana, where Mexico would fall into his lap like a ripe peach from the bough of time and his eagles would mingle with those of the American Cordilleras as they did with those of the Alps. He would drive the hated English out of Canada and change the civilization of a hemisphere from Anglo-Saxon to Latin. The world was not too spacious for his ambition.

But in 1803 every royal bayonet in Europe was pointed at the breast of Bonaparte. He could ill afford to spare 25,000 troops or dare to transport them under the Argus eye of Britannia who "ruled the wave." He knew that England, in common with other powers in Europe, disputed his title to Louisiana obtained in the secret treaty of San Ildefonso from the King of Spain in 1800 and he mistrusted that the unusual activity in the British Navy in 1803 portended the seizure of Louisiana. In Pitt's place that is what he would have done. Also before him were Austerlitz and Ulm, Jena and Wagram, and he must feed his hungry cannon. He needed the money. He would sell Louisiana to the United States and perhaps intrigue that country into a war with England to divert the latter's attention from the continent of Europe. So when our ambassador, Mr. Livingston, proposed to buy New Orleans, he sold all of Louisiana, and by so doing executed one of the most important and lasting of all the deeds of his meteoric career. Besides, he knew that a bullet, a dagger, or mayhap a Waterloo, might end his career and that the first demand of England from humbled France would be Louisiana to link Hud-

son Bay and the Gulf of Mexico in the colonial empire of England. At least he would prevent that. Thus we got Louisiana and Kansas; thus we acquired the Mississippi and the flood problem of a river that receives the waters of 32 States.

NEW ORLEANS, July 15, 1930.—I can think of nothing short of the adoption of our Constitution which left a more profound impression upon human history on this continent than the purchase of Louisiana. Napoleon was also the blind instrument by which we got our first lesson in flood control. After Waterloo, General Simon Bernard, Napoleon's chief of engineers at Waterloo, came to America to visit Joseph Bonaparte, former King of Spain, at Joseph's home in New Jersey. That was in 1816. The Government at Washington secured General Bernard to head the Corps of Engineers of the Army, and ever since then our Corps of Engineers has been one of the best bodies of engineers in the world. Under the eye of Napoleon, General Bernard had constructed the dikes of the Po and thus controlled the floods of that Italian river. In 1818 Congress authorized General Bernard to make a survey of the Mississippi River with a view to controlling its floods. In 1822 he made the first report on the flood problem of the Mississippi and recommended levees. Had the watershed of that river remained as it was then the present levees would no doubt control its floods. This was the genesis of flood control on the Mississippi. After a century of work and study we are still trying to master the floods of this mighty river. That is the purpose of our presence in New Orleans to-day with the Flood Control Committee of the House of Representatives.

New Orleans is a most interesting city in many particulars, notably so from the standpoint of history. Here is the house built after the style of architecture of Ajaccio in Corsica by the French-American admirers of Napoleon designed for his use when they had rescued him from St. Helena. The late Conan Doyle in about 1901 wrote a story, the title of which, as I remember, was, "The Adventures of Brigadier Gerard." Gerard was a swash-buckling French officer who, with most delightful egotism, told of his impossible feats as a soldier of Napoleon. The stirring climax of this amazing story was that on that night of the 5th of May, 1821, amid that terrific tropic thunderstorm, during which the spirit of the great Corsican took its eternal flight, Gerard landed on the volcanic isle when the British guard ships were dispersed by the storm. He made his way to the window of Longwood, the prison-residence of Napoleon, just in time to look through the window as the mind of the Emperor was wandering in the mists of death and his intellect was tottering from its throne. In his delirium the Emperor, hearing the crash of the thunder that split the heavens and seeing the glare of the tropic lightnings, imagined he was on one of his hundred battlefields, and with his expiring breath exclaimed, "Tete d'Armee." The Emperor had escaped. Not, however, to the old house in New Orleans that was to be his refuge. One often wonders what might have happened if Aaron Burr had succeeded in establishing a southwest empire, and Napoleon, whom Burr admired much more than he did Washington, had escaped with a sound stomach from St. Helena at the age of 52 in 1821.

NEW ORLEANS, July 16, 1930.—Yesterday the committee inspected the Bonnet Carre spillway, which is under construction 30 miles above New Orleans. This spillway is for the protection of New Orleans. It leads from the Mississippi to Lake Pontchartrain, a distance of 6 miles. At the river it has a width of about 1½ miles and about double that at the lake. The concrete construction of the spillway cost about \$8,000,000 and the guide levees will make it cost over \$11,000,000. It will be a controlled spillway, which will take at least 250,000 second-feet from the crest of the Mississippi flood and might, if necessary, take as much as 500,000 second-feet. This spillway, the engineers assure us, will maintain a constant flood gage of 20 feet at the Carrollton gage in New Orleans in a flood like that of 1927.

We also inspected the immense docks on the river at New Orleans, which cost over \$200,000,000. We rode through 14 miles of these titanic wharves, where 90 steamship lines dock at the second seaport of the continent. Here we saw the latest machinery for loading and unloading shipping of every conceivable sort. One sees here the realization of what can happen at Kansas City on a smaller scale when our barge line is finally instituted on the Missouri.

New Orleans is as heroic as well as an historic city. Her people, living below the level of the Mississippi and in some places, I am told, below the level of the Gulf, bravely hope for security from the ancient menace of the Mississippi floods. With the power and wealth of the United States back of it, the Flood Control Committee of the House will endeavor to deliver the courageous inhabitants of this great city from that menace. After three days here we understand this problem better than before.

To-day we saw the plain of Chalmette, where the Battle of New Orleans was fought two weeks after a treaty of peace was negotiated at Ghent. The British hurried an expedition to take New Orleans, for Britain did not respect our title to it from Napoleon. Wellington declined the command. At that time, August, 1814, Napoleon was on the island of Elba and the congress of Vienna was unscrambling the map of Europe. On what slender threads does destiny hang with Waterloo only a few months away. The brother-in-law of Wellington, Sir Edward Pakenham, assumed command. His idea was to capture New Orleans, and, treaty or no treaty, hold it that it might become the subject of new nego-



tations. But New Orleans was not taken, and Pakenham was killed with 700 more British soldiers. If Jackson had been driven back at Chalmette, he would have burned New Orleans and let the Mississippi out of its banks and drowned the British out. But the victory of Jackson forever quieted the title of Louisiana and hurried the beaten British Army back to Waterloo in time to fight and die and there earn the title of "Invincible." Those who survived could boast of participation in two battles of everlasting renown and infinite results. The charge of Napoleon's Old Guard at Waterloo had no terrors for men who had faced the storm of leaden death that streamed from the muzzles of Jackson's pioneer rifles.

ON BOARD BOAT "V. J. KURZWOG," ATCHAFALAYA RIVER, July 17, 1930.—The committee is on a boat on the Atchafalaya River. If you can spell that name you can not pronounce it, and if you can pronounce it you never could spell it. It is pronounced as if you spelled it "chaf-a-lie-yuh," evidently without any regard for the first syllable. At least that is the way the natives pronounce it. The river is not a tributary but an outlet of the Mississippi. When the Mississippi and Red Rivers are both in flood the Red overflows into the Atchafalaya. In 1927 the Atchafalaya carried about as much water as the Mississippi, it and its great rich valley. The famous "sugar bowl" is in its vicinity, one of the richest sugar territories in the world. I noticed that the Louisiana Senators voted for the tariff bill last spring.

Before leaving New Orleans we visited the great crevasses at Poydres and Caernarveron. The crevasses were made to save New Orleans in 1927. New Orleans paid \$4,000,000 in damages below the crevasses. All the people below on the Delta had to leave. In this way the Atchafalaya River becomes important in flood control. By constructing a floodway through the Atchafalaya Valley in a superfluous excess water that the Bonnet Carre spillway did not take could be turned into the floodway of the Atchafalaya.

This is the valley where Evangeline and the Acadians finally settled after their deportation and dispersion by the British from Nova Scotia 175 years ago, as portrayed by Longfellow in his poem *Evangeline*. Between 10,000 and 15,000 of these French Canadians were boarded on British ships and scattered along the Atlantic coast from Maryland south. Many of them wandered south to get beneath the French flag in Louisiana. Up to about 1898 there were no English schools. They did not love English overmuch. Among themselves they still speak French, the tongue of their fathers. Here you find such names as Dupres, Le Blanc, Broussard, Dumas, and Beauregard. There are also some Spanish names, a sort of Latin civilization found nowhere else in the United States.

We were all interested in Louisiana cooking, for we were eating at southern tables at hotels, restaurants, and on board steamboats. Coffee here is wonderfully and fearfully made—to us who are from the North. It is considered sufficiently strong if it makes a teaspoon stand up in the cup. One Congressman said he ate his coffee down South. At any rate it was generously strong, and the chicken dinners were so numerous that at the end of a week the management wired ahead for a steak dinner in Mississippi. But the cooking was very good and greatly enjoyed by all, and was doubly appreciated for the wonderful hospitality with which it was served.

ATCHAFALAYA RIVER, July 18, 1930.—All day yesterday we were on the Atchafalaya and Grand Rivers. Their valleys, as far as we could judge, were huge swamps covered by trees about 30 or 40 feet high. There are deer and bear here. Colonel Roosevelt used to hunt here. The flood of 1927 almost exterminated both, but protected by the law they are coming back. These rivers are alive with catfish. Tons of them are shipped out to northern ports, and by the time they reach their destination they are sea trout and several kinds of salmon if we were correctly informed. This is also the great muskrat country. Seven million pelts are taken out of Louisiana every year—more fur than is produced by Alaska. This fur also is metamorphosed into electric seal by the time it reaches the ladies' shoulders. We were told that along these rivers live a peculiar people, in houseboats, and they scarcely ever get away from the low brink of the sluggish rivers. But they seemed to be abreast of the times, though they have no schools, no churches, and no culture. As on the streets of New Orleans, we saw the girls and women, sans hose, and, no doubt to show that they were one jump ahead of their city sisters, sans shoes. Others we saw who were not unsophisticated in the modern feminine art of smoking, though we saw no cigarettes.

BATON ROUGE, July 19, 1930.—To-day we were in the enchanted land of Evangeline. A part of this is known as the "sugar bowl," a country as rich in soil and vernal beauty as it is in legend, romance, and tradition. There were never nobler trees or fairer fields.

Glant oaks of the Teche,  
Georgeous and sublime.

Great live oaks that were centuries old 165 years ago, when the gentle heroine of Acadie sought her lover, only to find a faithless Gabriel (Louis Arceneaux) on the banks of the Teche. We held a flood meeting under the sheltering boughs of Evangeline's Oak, right on the beautiful banks of Bayou Teche, where it is said Emmeline Labiche, the Evangeline of Longfellow, met her lover. It is a great live oak from 6 to 7 feet in diameter and festooned with Spanish moss. All day the haunting beauty of this old story crowded out such trivial thoughts as those of levees

and floodways. The writer, having spoken early in the meeting, asked a Mr. Le Blanc to take him to the grave of Evangeline by the side of the beautiful old Catholic church. With reverent step he led to where under the deep shade of the magnolias we stood with uncovered head and leaning over the iron picket fence that guards her tomb we read, quaintly carved in French on the marble, yellow with the years: "Evangeline, Emmeline Labiche, the blessed exile of Acadie, the angel of constancy, who after wandering with bleeding feet over a continent in search of her lover, the while she gave to the world a picture of fidelity and constancy sweet and beautiful enough to hang on the walls of all the centuries to come, rests at last beneath this rock, the blessed and beloved exile of all the ages." Only now and then picking up an old French book of college days of a third of a century ago to kindle "the light of other days," our French is necessarily rusty, so if you read the inscription on that aged marble and do not find all I saw it should have been there. This was at old St. Martinsville, La., where the heroine of Longfellow's poem is buried and not in the city of "brotherly love," as the poem avers. This shrine of Evangeline will always remain in our memory an enchanted land of poetic beauty after the story of the Mississippi has faded away.

This evening we were entertained at a banquet in the new executive mansion at Baton Rouge by Gov. Huey Long, who proved to be a royal host.

ALEXANDRIA, LA., July 19, 1930.—With pensive regret we left this morning the winding Bayou Teche, the dreamlike land of Louis Arceneaux and Emmeline Labiche, the "Gabriel" and "Evangeline" of Longfellow. There is something very quaint and romantic about both the country and the people of the Evangeline country. Here are eight or nine generations of Americans, yet they speak the French language among themselves. Their customs are much the same as they were when British exile shattered the dream of happiness of these lovers of long ago.

To-day our pilgrimage led us through the rich upper valley of the Atchafalaya River, a great, wide valley over which nature spreads a scourge every time the Mississippi overflows or the Red has a flood. The Flood Committee wanted to see this first-hand, and the people of Louisiana wanted us to see it, in the hope that in the solution of the Mississippi flood problem we do not turn the raging fury of the waters upon them and their farms. Thousands along the route saw us to plead for their homes and property which they think threatened by the Jadwin plan. One thing is certain in the mind of at least one of that committee, and that is that every possible foot of good land must be saved and that where land is taken it must be amply paid for. The United States can afford to pay for such losses, but it can not afford to turn the angry flood upon these defenseless people without adequate compensation for the sacrifice.

We are all in love with the great trees, which, to us of the North, look like they were dressed for a funeral. All the large trees in this latitude accumulate Spanish moss which hangs in sort of ropes about 3 or 4 feet long from the limbs of the trees. In color it is like the green-gray of the old German uniform. It is worth about 4 cents per pound for upholstering. The moss is not a parasite but lives on the moisture of the atmosphere. It is very profuse on the great live oaks and adds much to their beauty. Here we saw much cotton which is now in bloom. We saw much sugarcane, too. It is small and is not harvested until November.

VICKSBURG, Miss., July 20, 1930.—The committee to-day saw the basins of the Tensas and Boeuf Rivers, whose rich lands are partly in the proposed floodway. Part of it is a semiswamp, covered with one of the few remaining hardwood forests. The writer has lived in Kansas 52 years, but he has not seen as much of Kansas in that time as he seems to have seen of Louisiana in a week. But the committee will know more about the flood problem of Louisiana than we could learn in a year of hearings in Washington. We have just been in the oil and gas regions of the State and there seems to be inexhaustible supplies of both.

In Richland Parish we saw the great gas well which has been burning for over two years. It has blown out a crater 600 feet wide and 300 feet deep. There is about enough gas burned in that well to heat Kansas City in winter. At Lake Caddo we saw the great oil wells in the middle of the lake.

This Sunday evening we came across the Mississippi River to Vicksburg. Congressman COLLIER, who resides here, had told us much about the national cemetery here and the battlefield, so we were prepared for the treat of visiting this beautiful cemetery and battlefield. Next to Gettysburg, its sister battle, this field has more monuments than any other in our country. The old trenches are still visible on the ragged field. Like Gettysburg, it is a rugged and picturesque field. These two great battles culminated almost on the same day, in 1863, and practically settled the issues of the war.

MEMPHIS, TENN., July 23, 1930.—The Flood Committee spent the 22d inspecting the valleys of the Tensas and Boeuf. Their flood problem is mainly one of backwater from the Red, Arkansas, and White Rivers. In this way 2,800,000 acres of rich lands are flooded whenever there is a Mississippi flood. In these flood matters human nature does not change. The interests of those above and those below conflict. The patriotic inhabitants of the two upper valleys are perfectly willing that their flood waters be turned upon the valley of the Atchafalaya, below which would tend to



make a frog pond and an alligator resort of the "sugar bowl," to which the thrifty French Acadians (Cajuns) exclaim: "Non, non! Mon Dieu!"

Over in Mississippi a good judge made an earnest plea for the Yazoo River valley in Mississippi, saying that there was but one thing to do and that was to make a vast floodway of the valleys of the Tensas, Boeuf, and Atchafalaya. He said that would settle the whole matter, and he informed the committee that it must be done now. Of course, that would be a fine thing for the Yazoo Valley and Mississippi and, incidentally, a fine thing for the Louisiana alligators, but it would all but sweep from the earth one of the richest regions in agricultural wealth and romantic history on this continent. It would be as cruel and heartless an act as ever the British perpetrated when they drove the Acadians and Evangeline before their bayonets into everlasting exile from their beloved homes in Nova Scotia. It required considerable restraint and the obligation of incomparable hospitality to properly answer that selfish judge who, perhaps, for the favor of a thoughtless constituency, was willing to crucify once more an heroic people who, under the lash of tyranny, had built homes in far Louisiana as fair as the gardens of the gods. Perhaps he was not to be blamed too much, for true to nature he was thinking of nature's first law.

One just can not miss points of romantic history here in Louisiana. At or, rather, near New Roads, where old Poydres College stood, is the ancient oak upon which James Ryder Randall looked one night in the southern moonlight and in his homesickness wrote "Maryland, My Maryland." At Natchitoches we saw the celebrated statue of the old-time slave, by which the South expresses its gratitude to the fidelity of the old war-time slave who, when his master drew his sword to keep that slave in bondage, this master intrusted to the slave the safety of his mother and sister, wife, and daughter, and it is one of the miracles of human virtue that there is not a single instance on record where that trust was betrayed. I did not learn who the sculptor was, but whoever he was, he was poet and artist at once, for in every line, posture, and curve is portrayed courtesy, fidelity, and devotion, and in the shoulders bent by the burden of 200 years of bondage is written infinite service to his master, a monument which is a tribute to all humanity. Virgil in his picture of faithful Achaes never drew a truer picture of fidelity than did the creator of the slave of Natchitoches.

Memphis is an enterprising and growing city. It will benefit immensely by reason of the renewed navigation of the Mississippi with the development of the barge line for which it is now preparing. After a day's rest here we leave for Cairo, Ill.

This, though a strenuous and tropical journey, has been a most delightful and enlightening experience, which will be of great value in flood work of the future. We had a fine group of Congressmen from the Flood Control Committee of the House of Representatives and we met hundreds of interesting gentlemen all along our route. Our sojourn in the South justified everything that has been said about southern hospitality and it will always remain a pleasant memory. The Flood Control Committee was represented by Chairman REID, of Illinois; WILSON, of Louisiana; SEARS, of Nebraska; DRIVER, of Arkansas; SINCLAIR, of North Dakota; WHITTINGTON, of Mississippi; GUYER, of Kansas; COX, of Georgia; DUNBAR, of Indiana; GREGORY, of Kentucky; SHORT, of Missouri; JOHNSON, of Oklahoma; STONE, of Oklahoma; and COOPER, of Tennessee.

#### EMERGENCY RELIEF LEGISLATION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all other business now before the House or on the Speaker's table or elsewhere be laid aside for two hours for the consideration of the emergency legislation with reference to drought relief and unemployment.

The SPEAKER. The Chair will call the gentleman's attention to the fact that there is a special order for this morning.

Mr. HOWARD. But I am asking unanimous consent, Mr. Speaker.

The SPEAKER. The Chair, under the circumstances stated, and also in his intense desire to protect Calendar Wednesday, can not recognize the gentleman for that purpose.

Mr. TILSON. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. BECK].

#### THE MEMORY OF JOFFRE

Mr. BECK. Mr. Speaker and my fellow members, I am greatly honored in being the interpreter of the sorrow which I know this House feels in the passing of that great soldier, Marshal Joffre.

The gracious presence of his excellency the ambassador of France and Madame Claudel in the gallery is an added honor which I greatly appreciate.

It would be quite impossible at this time to pay an adequate tribute to Marshal Joffre's memory, but it is fitting

that on this day, when his mortal remains are given a place of honor in the Invalides, some record should be made in the proceedings of this House of the deep sympathy which the United States feels for its ancient ally, France, in her irreparable loss. While the soldiers of France fought under one flag and the brave sons of America under another, yet in the World War, as in our epic struggle for independence, they fought for a common objective and achieved a common victory, and a tribute to the immortal memory of the great Marshal therefore seems appropriate.

This has been a day of grief in Paris. The "City of Light" is for the moment darkened.

O proud death,  
What feast is toward in thine eternal cell?

It is the passing of a hero, and for that

\* \* \* passage  
The soldiers' music and the rites of war  
Speak loudly for him.

The booming cannon are his mourners, but the greatest tribute to Joffre, the man, lies in the silent tears of unnumbered Frenchmen who to-day lined the streets of Paris as his body was conveyed from the Arc de Triomphe to Notre Dame and thence to the Invalides, there to rest for a little while beside the greatest commander of modern times. As Motley said of William the Silent, "While he lived he was the guiding star of a brave nation, and when he died the little children cried in the streets."

To Americans it is a touching fact that Joffre was so impressed with the simple beauty of Mount Vernon that he desired no grandiose resting place, either in the Invalides or in the Pantheon, but preferred to rest in the garden of his little home by the Seine. This suggests a true parallel that could be drawn between Joffre and Washington, for each of them was supremely great in those qualities of gentleness, modesty, and courage which mark the great quality of soul, magnanimity.

If time permitted, it would be easy to draw a striking parallel between their military careers, for each proved a Fabius who could create victory out of preliminary reverses. The quality that they had most in common was their modesty. Washington never claimed credit for any victory, nor did Marshal Joffre. In proof of this let me cite the striking fact that from the time on September 4, 1914, when he issued his inspiring call to his soldiers to advance or die in their tracks in defense of France, and notwithstanding that his was one of the most dramatic and significant victories in the annals of mankind, yet, neither by voice or pen, did Joffre ever make any claim for credit or the world's applause. Even the commanders whom he vanquished have written many pages in vindication of their respective achievements, but the heroic victor of the Marne has been content to let his epic achievement speak for him. In all the controversies that have arisen since the last cannon awakened the echoes in the Valley of the Marne Joffre remained as silent and serene as he was on that fateful 4th day of September, 1914, when, after several hours of silent deliberation, he turned to his staff and simply said, "We will make our stand on the Marne." No commander of a French army ever reached a more momentous decision or accepted a greater responsibility. The fate of France itself depended upon the wisdom of that decision—possibly the fate of a liberal civilization in Europe!

One evening I sat down in a London drawing-room before an open fire with another distinguished participant in this battle of the nations—Field Marshal French. Our discussion turned upon the question, who would be to posterity the great military hero of the World War? And I ventured to say that it would be Marshal Joffre. When challenged to give a reason, I said that the World War was so vast that to posterity it would seem like the lofty range of the Himalayas, with few dominating peaks; and I ventured to predict that to posterity the dominating peak of the World War would be the first Battle of the Marne.

The "Miracle of the Marne," as it has been aptly called, is in many respects the greatest battle ever staged upon



this "wide and universal theater of man," and this whether it be judged by quantitative or qualitative values.

Measured by the battle frontage, the battle is unequalled in its immensity. Before the Great War, a battle that raged over a 20-mile front was exceptionally great. The battle front of the Marne was 170 miles—if it be measured from Paris to Verdun—but if, as is proper, the Nancy sector be added, the true frontage of these embattled millions was 220 miles—or approximately the distance from New York to Washington.

In numbers, no single battle of open movement fought simultaneously under a unified command is comparable with it; for while the exact statistics of the combatant armies have never yet been given, there is substantial reason for believing that the seven German armies that participated numbered not less than 1,200,000 men, and the Allied armies, if inferior at all in numbers, did not differ greatly. Never before was the earth shaken with the rumble of so many cannon, whose "rude throats the immortal Jove's great clamor counterfeit"; for, according to a German commentator on the Marne, the German Army had 6,000 cannon in action in this greatest duel of artillery that the world up to that time had ever witnessed.

Passing these quantitative tests, which are the least satisfactory criteria, the greatness of a battle may also depend upon two circumstances—one, the gravity of the issues which depend upon its outcome, and the other, the difficulty of the obstacles which the victor was required to overcome. As to these the battle of the Marne need not be undervalued to any other of the so-called decisive battles of history, for upon it depended the fate of Europe and the relative strength of its historic master states. Had it been lost, France would have become a third-rate power and could have said with Pitt after Austerlitz, "Let us roll up the map of Europe."

As to the inherent difficulties of the problem, it is enough to say that, by every law of probability, the invader should have won the battle of the Marne, and that he lost it is due chiefly to the profound sagacity, the indomitable courage, and the untiring energy of Marshal Joffre.

Other great generals justly share in the triumph. If Castelnau had not held Nancy; if Foch had not stood as a stone wall in the Fère-Champenoise sector; if Franchet d'Espèrey and French with the brave British Army had not broken into the gap between the First and Second German Armies, in the Meaux-Château-Thierry sector; if Manoury had not held the left wing of the Allies, with the aid of Gallieni—the result would have been different; but the genius who coordinated all the movements of the six allied armies and whose inspiring presence was felt everywhere along the whole battle line, who took the supreme hazard of the long ordeal of battle, and who therefore preeminently deserves the palm of victory, was the one known and beloved by all his soldiers under the simple title of "Father Joffre."

Lest I be accused of undue praise, let me quote the words of a distinguished German commentator on this battle—himself one of its participants—Gen. Baumgarten-Crusius, of the Saxon Army, who said:

Incessantly active, Joffre was always at the point where his presence was most needed to stimulate, explain, or arrange. \* \* \* The untiring Joffre never lost his head, gradually restored confidence, and maintained a united front. The French leadership grew in calm and resolution from day to day. Necessity and anxiety lifted the generalship of Joffre to still greater grandeur.

Let me confirm this estimate of a chivalrous opponent—which, I note, has been echoed by the entire German press in the last few days—by some more direct evidence to the extraordinary poise and courage which Joffre showed in those fateful days between August 20 and September 10. In 1921 General Buat, then the chief of staff of the French Army and during the World War one of Joffre's principal aides, did me the honor to visit me in my home and our conversation related almost wholly to the battle of the Marne. General Buat regarded the unfailing courage and unvarying wisdom of Joffre as the chief cause of the French victory. He said to me:

He had communicated to all of us his calm confidence. When in the darkest hours, we saw him the absolute master of his physical and moral equilibrium, we too felt absolutely calm and sure of ourselves. And we, in turn, gave calm and confidence to the others. Every day and at every hour of the day liaison officers from all the armies at the front reported to general headquarters. They saw for themselves that the atmosphere that reigned throughout was tranquil and serene. They returned to the various armies calm and confident; and, to all who questioned them, they replied: The commander in chief says that all is well. And all were sure that everything was well, because it was the opinion of the commander in chief.

I had a further confirmation of this when I attended a luncheon a few years ago in Paris, given by that noble and well-loved French Ambassador, M. Jusserand, and sat next to M. Millerand, who was the French Minister of War in 1914. I asked him what was the feeling in the French Government when late in August it hurriedly left Paris for Bordeaux, and thus apparently abandoned Paris to the invader. Replying for himself, he said that he was profoundly disheartened until he visited Joffre in the rapidly shifting seat of war and received from him such a calm assurance of ultimate victory that he returned to Bordeaux and all officials there took fresh heart. Viviani, the Premier, gave the same testimony when he said that during that fateful retreat in the last 10 days of August, 1914, he twice a day called up Joffre on the telephone from Bordeaux and was always encouraged by the calm and peaceful voice of Joffre: "Have faith! Everything is all right. Have faith!"

Another distinguishing feature of this battle was the fact that it had been planned by both sides many years before it actually took place. Other battles have been more or less the fortuitous synthesis of events which were at least not wholly anticipated; but in this long-anticipated war the German high command had planned the whole campaign with such pedantic nicety that everything that happened up to the beginning of the Battle of the Marne accorded with the schedule, and it was confidently anticipated that when the French Army was pushed away from Paris its left wing would be overwhelmed about September 1 (the anniversary of Sedan) and crushed near the Forest of Fontainebleau. This was nearly realized, for the fighting in the center of the vast battle line was not very far from Fontainebleau.

This explains the distinguishing characteristics of the two commands.

The German High Command directed the battle from a point as far removed as Luxemburg and treated the army as though it were a system of transportation, to be operated on schedule time. No place was left for contingencies and no need for improvisation was anticipated.

Joffre, on the other hand, treated his army not as a machine but as a great collective soul, and he showed the highest genius of a commander in changing his plans from day to day and almost from hour to hour to meet the exigencies of the moment.

Five times from Mühlhausen to the Marne he changed his plan of campaign. He showed the greatest of all mastery in the art of war by rising superior to obstacles and defeats. It was genius against pedantry; the soul against a perfect system.

Until the culminating triumph, the campaign which culminated in the Marne had been a series of seeming disasters. The reverses in Alsace; the crushing defeat at Morhange in Lorraine, and, above all, the failure of the attack at Charleroi, would have discouraged any ordinary general; but Joffre, like Antaeus, seemed to get fresh strength every time he was hurled by disaster to his mother earth—the soil of France. He conducted without a flaw one of the most difficult and hazardous retreats in history; and, to visualize it, let me give you a geographical analogy.

Imagine an army of a million men guarding the front between Philadelphia and Pittsburgh. Imagine that it had sustained three serious reverses, at least two of which were comparable in size to battles like Sadowa or Gettysburg. Pivoting his left wing on Pittsburgh, and with the most powerful military machine then known in the world pressing upon him with all the resources of modern chemistry and



engineering, he slowly swings his line, standing on a frontage of 200 miles, back in the face of an advancing foe, until, with the new alignment, his left wing is still at Pittsburgh, his right wing in Washington. While doing this, and in the midst of all the demoralization of this rapid retreat, and with tremendous pressure upon him to stand and fight, he simultaneously creates, in the 10 days that elapsed between Charleroi and the beginning of the Marne, two new armies—one under General Foch, which Joffre, with wonderful prescience, placed in his center, where it would be vitally needed, and the other, under Manoury, with which he launches, at the opportune moment, his thunderbolt.

One can search even the annals of Napoleon and find no strategic movement so difficult in execution and so wonderful in its ultimate success. Let it be remembered that Napoleon fought one battle at a time, while the Marne was in fact five great battles, fought simultaneously by Joffre against the German High Command, and each of these battles was as great in numbers and in space as Waterloo, Sedan, Gettysburg, or Plevna.

I mention all this only to emphasize a fact to which I think the present generation has as yet not done full justice, and that is that the campaign of the Marne was one of the most stupendous intellectual achievements in the annals of war. If, as Napoleon said, the greatest quality of a true commander is to keep cool in the hour of adversity, then assuredly that palm belongs to Joffre. Undoubtedly the victory was also due to the fact that in the supreme crisis of France her soldiers, down to the humblest poilu, were in truth Bayards, but all these would have been unavailing had not the intellectual power of the German High Command been overcome by an even more masterful intellect; and if you seek a symbol of the underlying cause of the "Miracle of the Marne," then, when you are next in Paris, go to the Pantheon, where many of her mighty dead are buried, and in front of it you will see a statue fashioned by the greatest of her sculptors—and possibly the greatest of all sculptors since Michel Angelo—the statue of "Le Penseur." One could fittingly strike out the name Rodin gave to this inspired statue and write under it the single name Joffre, for it was Joffre, "The Thinker," who triumphed on that fateful day.

I wish that time permitted me to say more, for, in common with all who knew Joffre, I have for him a feeling of great affection. To say that I enjoyed his friendship would be an overstatement, but I did enjoy a friendly association with him, which was more than a perfunctory acquaintance. I met him on five occasions and never was more impressed with the sturdy strength of a man.

The first time was in 1916, when I visited by invitation his headquarters at Chantilly. He came into his working cabinet dressed in the fatigue uniform of a division general, and after a cordial welcome asked us to be seated. He was good enough to talk with us a half hour and the subject related largely to the Battle of the Marne. I noted with interest that as he spoke he looked intently upon the center of the table, as if there were there an invisible chessboard, and after each question there would be a pause, and then, in a voice so low and gentle as to be scarcely audible, he would give my interpreter and me an answer. I remember I asked him what he regarded as the chief cause of his victory, and he replied, "We won through the error of General von Kluck," the commander of the First German Army. At that time he could not have known the information, which the archives of the German general staff have since given, but he had divined the fact that Von Kluck's mistake, which made possible the counterattack, was due to his excessive zeal in disregarding the order of the German general staff, of which mistake Joffre took advantage and launched his counteroffensive. At that time only one book had appeared on the strategy of the Great War. It was by Hilaire Belloc, and Belloc had said that the reason why the German First Army waited over 10 days after the fall of Liege before beginning their rapid march through Belgium was because they were trying to lure Joffre's northern armies into Belgium. I asked the Marshal whether he thought this was

true, and I remember that he replied that the German general staff was much too capable to suppose that he would ever have marched far into Belgium.

I next saw General Joffre when he came to America in 1917 as one of a French commission, which was headed by Viviani, and here I must record an unrecorded bit of history. Among the many festivities in New York in their honor was a great meeting in the Metropolitan Opera House to raise funds for the orphan children of French soldiers. It had been announced that Viviani and Joffre would be in a box. In New York, as elsewhere, the interest of the public was largely in Joffre and very little in Viviani, and this had annoyed Viviani. On the night in question Viviani felt this so keenly that he declined to go to the Metropolitan Opera House. Joffre, who neither sought nor desired the superior interest which he excited, thereupon stated that if his superior on the commission could not attend, he was unable to do so. Those of us in charge of the affair were in despair, but finally some one said to the Marshal that if he failed to attend it would greatly injure the movement to raise a large fund for the orphan children of French soldiers, and the old soldier straightened up and with an unwonted gleam in his gentle eyes simply said, "I will go," and he went without Viviani.

I next saw him in New York in 1921, and very pleasantly renewed the acquaintance that had begun at Chantilly. Finally I sat next to him at a luncheon in Paris several years ago and was shocked to see how he had failed in health, for his sturdy frame, that "tower of strength which had stood foursquare to every wind that blew," was physically in ruins, due to the fact that he was even then suffering from diabetes in its malignant form. His failing health could not change that sweet smile which endeared the Marshal to all who were privileged to meet him.

While he said little about it, I think the tragedy of his life was when the politicians in Paris deprived him of his high command. He had no taste for politics, and when, in the interests of the service, he demoted many generals and lesser officers who had not stood the test, he made, for the time being, many enemies who conspired to relieve him of his high command, with the disastrous result that Nivelle, his successor, almost lost the war in the ill-fated advance of 1917. But the people of France never lost their faith in Joffre, and when, after the armistice, the French Army marched in triumph under the Arch of Napoleon and down the Champs Elysees the French people demanded that the Marshal should ride side by side with Foch down the "Via Triumphalis."

More I would gladly say, but time does not permit. Joffre belongs to the immortals and he will be known "to the last syllable of recorded time" not merely as a great general, as Napoleon was, but as a noble gentleman in the best sense of that word, for—

His life was gentle, and the elements  
So mixed in him, that Nature might stand up  
And say to all the world, "This was a man!"

Before concluding this inadequate tribute I can not refrain one final comment, although it relates not so much to Joffre as to the cause for which he fought. Whatever be the merits of that cause, the greatness of his achievement and the simple splendor of his character remain, although it immeasurably adds to his place in history if he drew his sword in a righteous cause.

Time was when few intelligent men had any question as to the merits of the diplomatic conflict that precipitated the World War. The embattled nations could not themselves sit in judgment upon their quarrel, but who can question that the verdict of the neutral world favored the justice of the allied cause? In recent years, however, the subtle poison of propaganda has run through the veins of the allied nations and we are now taught that the World War was either a stupendous economic fatality, for which no nation was to blame, or that it was a culpable and fratricidal conflict, for which all nations were equally responsible. If this latter view be correct, then the sons of France and England and America who followed what to them



seemed a heavenly vision of justice were the victims of a great delusion. In that event there is no torch that the dead of Flanders Fields could pass to the living.

As the war recedes, the minds of men are becoming increasingly perplexed upon this question, due to such monumental pieces of special pleading as have been recently published by two American college professors, Barnes and Fay, who have seemingly found a joy in arguing that the well-considered verdict of civilization was a monstrous error. I can not accept their conclusions.

At the beginning of the war I wrote a book called "The Evidence in the Case," in which I discussed the moral responsibility for the outbreak of the conflict, and I take this occasion to say that, having read all the testimony that has been since adduced, if I were to rewrite that book, which appeared in December, 1914, I would not have occasion, so far as its ultimate conclusions, to change the crossing of a "t" or the dotting of an "i." It seemed to me to be the truth then and it seems to me to be the truth to-day.

There was an everlasting right and wrong involved in this stupendous conflict, and while the people of the allied nations, especially Americans, can have now none but the kindest feelings for the Germanic peoples, who, in my judgment, were "more sinned against than sinning" by their rulers and statesmen, yet magnanimity does not require that we sit silent when the justice of the cause, to which our soldiers gave the "last full measure of devotion," is called in question. We, therefore, honor Joffre to-day not only as a great man and a distinguished soldier but also because he was the victor in a just cause.

To his mighty shade we say:

Ave et vale! Hail and farewell! [Applause, the entire membership rising.]

#### ADDITIONAL RECEIPTS OR CERTIFICATES OF MAILING

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on the Post Office and Post Roads.

Mr. SANDERS of New York. Mr. Speaker, I call up the bill (S. 3273) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The SPEAKER. The gentleman from New York calls up the bill S. 3273, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3273, and the gentleman from Iowa [Mr. RAMSEYER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3273, with Mr. RAMSEYER in the chair.

The CHAIRMAN. When the committee rose when this bill was last under consideration general debate had not been concluded on the bill. Twenty-six minutes remain in charge of the gentleman from New York [Mr. SANDERS] and 36 minutes in charge of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. SANDERS of New York. Mr. Chairman, I have no further demands in general debate.

Mr. STAFFORD. I have nothing further.

The CHAIRMAN. No further debate being asked, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the provisions of the act of February 14, 1929 (39 U. S. C., p. 260), authorizing the Postmaster General to furnish receipts showing the mailing of ordinary mail of any class and to prescribe the fee for such receipts, is hereby extended to include additional receipts or certificates of mailing covering registered, insured, and collect-on-delivery mail.

With the following committee amendments:

Page 1, line 4, in the parentheses, strike out the word "page" and insert "sec."

Line 7, strike out the word "is" and insert the word "are."

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment as a substitute for the committee amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert "That the Postmaster General is authorized to charge a fee, under such regulations as he may prescribe, for the issuance to the sender of ordinary mail and of registered, insured, and collect-on-delivery mail, a receipt or certificate showing such mailing."

Mr. STAFFORD. Mr. Chairman, when we last had this bill under consideration criticism was made of the form in which the bill was presented for consideration. I think the criticism made by the gentleman from Kansas [Mr. HOCH] was well taken. In the compilation of laws we would have a very awkward condition if the bill should remain as it is reported. I think the substitute amendment that I have offered accomplishes the purpose.

Mr. KELLY. As I understood the reading of the bill, it simply places in better phraseology the purpose of the bill.

Mr. STAFFORD. Yes.

Mr. CHINDBLOM. It does more than that. It actually states the legislation. The bill as it came from the Senate does not state the legislation. It states some other law.

Mr. STAFFORD. I think my amendment answers the objections made by the gentleman from Kansas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. SANDERS of New York. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3273 and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. SANDERS of New York. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. CHINDBLOM. Mr. Speaker, the title was not considered in the Committee of the Whole. The title is not quite correct. Would it be in order, or must unanimous consent be obtained, to suggest an amendment to the title? The title reads:

To authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The bill does not do that. It extends the present law to certain new classes. This does not make this bill applicable to all classes. It makes it applicable to other classes than ordinary mail. The proposed provisions were already applicable to ordinary mail, and the bill extends these provisions to other matter than ordinary mail. The title would be correct if it read "to certain classes," instead of "any class."



Mr. KELLY. These special services are regarded as classes, and therefore this covers everything.

Mr. CHINDBLOM. No. This bill, together with the other existing law, will cover everything, but this bill does not alone cover everything.

The SPEAKER. The Chair thinks it is in order now to offer an amendment to the title.

Mr. CHINDBLOM. Then, Mr. Speaker, I move to amend the title by changing the words "any class" to the words "certain classes."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM to the title of the bill: Strike out the words "any class," and insert in lieu thereof the words "certain classes."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

On motion of Mr. SANDERS of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### POSTAL CHARGE FOR DIRECTORY SERVICE

Mr. SANDERS of New York. Mr. Speaker, I call up the bill (S. 3178) to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded.

The SPEAKER. The gentleman from New York calls up the bill, S. 3178, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3178, and the gentleman from Iowa [Mr. RAMSEYER] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3178, with Mr. RAMSEYER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3178, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That each piece of insufficiently or improperly addressed mail which is accorded directory service in effecting or attempting to effect its delivery shall be charged with 2 cents postage in addition to the regular postage, to be collected and accounted for in the manner in which postage due on other mail is collected and accounted for: *Provided*, That such additional postage charge may be prepaid by the sender under regulations prescribed by the Postmaster General: *Provided further*, That such charge shall not apply to matter mailed under the franking and penalty privileges.

With the following committee amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, under such regulations as the Postmaster General may prescribe, in cases where insufficiently or improperly addressed mail is accorded directory service in order to effect its delivery, the mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address: *Provided*, That nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee pending the collection of such additional charge."

Amend the title so as to read: "An act to provide a postage charge for directory service."

Mr. SANDERS of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman, I would like to be able to explain this bill as briefly as possible and then consider another postal question which has been brought to the attention of every Member of the House, namely, the proposed 2½-cent first-class postage rate.

This measure under consideration, Mr. Chairman, is a provision dealing with directory service. This service at the present time is costing the Post Office Department between two and three million dollars a year, for which not a penny is received. The Postmaster General recommended that Congress establish a 2-cent fee to be levied upon the ad-

dresser of the mail matter wherever directory service was accorded. The Senate accepted that recommendation and passed the bill in that form. The House committee has refused to accept that exact plan as being a just charge for directory service and has amended the Senate bill by striking out everything after the enacting clause and changing the scope of the bill so that it will provide for an optional charge to be levied upon the sender of the mail and not upon the addressee.

We take it for granted that the addressee is an innocent party who should not be penalized for incorrectly addressed mail sent out by another party. Therefore, we provide an optional service, whereby the sender who desires to have this service accorded, may, upon the payment of a 5-cent fee, receive a card back through the mail showing the correct address of each addressee. It is approved by many large mail users as a beneficial service. They will agree to it, and it certainly should not arouse any objection, since no one has to pay it except those who desire to use this particular service.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BLANTON. Why not have an additional proviso at the end of the committee amendment providing that no additional charge shall be made for directory service unless the sender is to be given a notice?

Mr. KELLY. Under this amendment, of course, the sender is not only given notice but he originates the request.

Mr. BLANTON. But suppose a farmer in the gentleman's district in Pennsylvania mails a letter to his relative in Pittsburgh and has not given the correct street address, he is entitled to and should be given directory service, and there should not be a charge for directory service on a letter like that.

Mr. KELLY. There is no charge, and there will be none.

Mr. BLANTON. But under the language of the committee amendment the Postmaster General is authorized to make regulations whereby there might be an attempt to charge for that directory service.

Mr. KELLY. No. The gentleman is mistaken. No charge can be made unless in the first instance the mail user states he desires to have it.

Mr. BLANTON. Well, we ought to clearly and distinctly direct the Postmaster General and his department that there shall be no additional charge for directory service, and that every letter addressed should have careful and adequate directory service without an additional charge, unless there should be some notice sent back to the sender.

Mr. KELLY. I am sure if the gentleman will read the bill carefully he will admit that that is exactly what we are doing in this bill. We do not propose a fee shall be paid in the case to which the gentleman calls attention. This will only apply to large mail users who are willing to pay 5 cents to get a corrected address.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. CHINDBLOM. In other words, the department will continue to attempt to deliver mail, even though the address be incorrect?

Mr. KELLY. And give full directory service; yes.

Mr. CHINDBLOM. But if the sender of the mail wants to be informed as to the correct address he must apply for it and pay for it?

Mr. KELLY. That is it exactly. He will have his desire printed on the envelope.

Now, Mr. Chairman, I want to take this opportunity to discuss the recommendation of the Postmaster General as to first-class postage rates.

I am sure I can not be charged with attempting to obstruct any reasonable desire of the Post Office Department to collect additional revenue. These measures which I have endeavored to have enacted and that have come in with the unanimous report of the Post Office Committee prove that.

Mr. Chairman, the Postmaster General, representing the Executive, has the privilege and the duty of making recommendations to Congress as to matters which concern his department.



In accordance with that privilege and duty, Postmaster General Brown has recommended that the rate of postage on letter mail be increased from 2 cents to 2½ cents.

The responsibility for action upon this or any other recommendation rests with Congress, as the lawmaking power.

In dealing with a question such as first-class mail rates, which affect every American, long-continued doubt and uncertainty have an injurious effect upon the service. The present rate has been in force for 45 years, and mail users, large and small, have come to regard it as beyond any chance of increase.

At the present time many business organizations and many individuals are requesting Members to oppose the proposed increase. I know of none urging its adoption.

The proposal has been advanced by the Postmaster General and others in the department for more than a year. It is renewed in the report of the Post Office Department for 1930.

In spite of that fact, no Member of the House has introduced the suggested legislation, and it is therefore not before the Post Office Committee for definite action.

However, in order to help allay the uncertainty which exists in the country as to the possibility of this change in first-class rates being made, I will take the responsibility of saying that not one member of the House Committee on the Post Office and Post Roads is in favor of increasing first-class rates to 2½ cents.

I shall make a further statement and if any Member disagrees with it I shall give him an opportunity to correct me. I do not believe there is 1 Member out of the 435 in the House who would sponsor such an increase or support it.

No one disagrees with that statement. Then there ought to be confidence on the part of the mail users of the United States that the Congress is definitely determined that there shall be no increase in first-class postage rate.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BLANTON. Does not the gentleman from Pennsylvania think it is a remarkable situation that out of 435 Members of the House not 1 would introduce the bill, and yet the Postmaster General is attempting to foist this proposal upon the people as a burden?

Mr. KELLY. Well, Mr. Chairman, whenever there is such unanimity in the lawmaking body, it may be safely assumed that there is good reason for it. It is easy, of course, to say that Congress views only the political angle of this subject and that the statesmanlike course would be to secure greater revenues for the Post Office Department by assessing further burdens on first-class mail.

I do not believe that either contention is correct. It is not political timidity to refuse to injure one of America's greatest institutions, the Postal Service. It is not statesmanship to throw overboard a policy which has been of inestimable value for many years.

There is a fundamental question in this proposal of the Post Office Department and the attitude of Congress upon it. There are two conflicting policies involved and they should be clearly understood. The real question is, What is the primary aim and objective of the Postal Service?

The Postmaster General in his report for 1930 makes the following statement:

It is no more logical to expect the Government to transport and deliver private mail for less than cost, than it would be to ask a telegraph or telephone company to furnish communication service at less than cost. \* \* \* Obviously some of these rates must be increased if the service as a whole is to be made self-sustaining. \* \* \* The only practical solution appears to be an increase in the rate on first-class mail where the Government has a monopoly, and therefore would run no risk of driving business to competitors.

In an address delivered in Washington on November 10, 1930, Third Assistant Postmaster General Tilton made the following statement:

Inasmuch as every worthy project must have a worthy objective we have set as our objective the aim of having the Post Office Department made self-sustaining so far as its business relates to the transportation of mail. The objective of private business is long life and profit. To secure long life it must give compensating service and to insure profit it must apply business principles,

guard its expenses, and sell its product for more than cost. The Post Office Department is a business, the management of which has been entrusted for the time being to the present administration. It is a mutual business. \* \* \* The Post Office Department should be self-sustaining.

Should the great objective of the post-office establishment be to acquire the basis of a self-sustaining business?

Mr. REED of New York. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. REED of New York. In carrying out that policy, I find they are doing this around the country; they are trying to save expense by consolidating rural routes and they are depriving the rural districts of the service they ought to have.

Mr. KELLY. Well, I am in favor of service first. If service can be maintained to its full degree of usefulness and with it economies can be effected, well and good. The trouble is that if the balance sheet is to furnish the keynote of the service many things follow as a matter of course when they should not follow at all.

The service will be curtailed and cheapened; vacancies in the personnel will be left unfilled; substitutes will be used instead of regulars; collections and deliveries of mail will be skimmed; distribution en route will be lessened; additional duties will be laid upon employees; feeble functioning will take the place of complete and comprehensive service.

All these actions, which mean deterioration of the service, as well as increase in postage rates, are involved in setting up the slogan, "Make the Post Office pay its way" as the first and foremost consideration.

Now, I do not believe that such an objective is worthy of the United States Postal Service. The balance sheet is not the primary but a secondary consideration. Rather I would say that the paramount duty of this Congress, which alone has the rightful power to determine the objective of the Post Office Department, is to continue in the path followed by Congress for a century and a half of marvelous postal progress. The true objective is to furnish the most complete and useful postal facilities which can be devised, and to do that whether the postal revenues meet the full cost or whether the General Treasury is chargeable for part of the expense. [Applause.]

The only reason for the maintenance of the post office by the Government is found in its character as an agency of public service. The transmission of messages, governmental information, and the dissemination of intelligence are so vital to a highly organized society that it must be in the hands of the Government, representing the people themselves.

There is no method of measuring in dollars and cents the value of this great agency of communication. Its value is in the past and the present and the future as the cementing force which binds a country into a community and a nation into a neighborhood. It pays dividends more vital than money.

There should be no confusion because a schedule of charges has been set up for certain classes of mail matter and services extended by this governmental institution. If Congress thought it wise to provide a free mail, it has the same power to do so as to build a lighthouse or a fort.

Congress has fixed certain rates, and, in most instances, they have been fixed on a public-welfare basis, not primarily to make the Post Office self-supporting.

Only once in postal history has a postage-rate law been adopted solely to meet additional costs. That was the postal salary and postage rate bill of February 28, 1925.

That one experience was enough. It did not even accomplish the end desired. The higher rates curtailed the volume of the mail, and thus the revenues, to such an extent that Congress was immediately forced to reconsider the action and enact a law which reduced those rates to practically their former level. The Post Office Department urged such action and it was taken by practically a unanimous Congress.

Mr. Chairman, if you scan the history of the Post Office Department, you will find that occasionally the Postmaster General has become imbued with the idea of making the Post Office self-sustaining. He would take whatever admin-



istrative power was in his hands to curtail and cheapen the service. However, in every case it was proven a mistaken policy and was speedily reversed.

For instance, in 1859, Judge Joseph Holt, of Kentucky, was made Postmaster General and sought to carry out the policy that a postal deficit must be prevented at all costs. He found mail lines to the Pacific operating at a great loss and endeavored to do away with them.

That policy was counteracted by Congress and fortunately, indeed, for the United States mail lines to the West bound that great empire to the Union in the crisis of the sixties.

It was in that critical period that the distance factor was eliminated in first-class postage rates. At that time a letter sent more than 300 miles cost 10 cents. Congress established a uniform rate of 3 cents, regardless of distance, although there was a postal deficit at the time. Within eight years postal revenues had doubled.

Congress, which alone has the power to establish postal policies, has always refused to act on any other policy than that of giving the most complete and useful service possible, without regard to a possible discrepancy between revenues and expenditures.

Great new services have been established; postage rates have been lowered; compensation and working conditions for employees have been kept up to an American standard, and as a result the Postal Service has been maintained on a basis which excels any similar service in the world.

Congress has always wisely maintained that the Post Office Establishment is not a money-making agency but an instrument of service.

Nor, Mr. Chairman, should we forget that the head of the Post Office Department has, as a general rule, supported the congressional policy. Call the roll, and a large majority agrees with that declaration of Postmaster General Hays in his report for 1921.

The department should not be conducted for profit. Its only purpose should be to serve the people fully and efficiently.

Hidden away in the dusty tomes which chronicle the year-by-year history of the Postal Service are to be found some inspiring things. In the Postmaster General's Report for 1885, the year when the present 2-cent letter rate went into effect, there is a gem which should be carried in every report of every Postmaster General. Postmaster General William F. Vilas deserves to be remembered for his statement of true postal policy. I quote his words:

The Postal Service has in some countries been employed as a means of gaining revenue to contribute toward the support of the general government of the State. No such end is sought by the Government of the United States. It is neither necessary nor appropriate to the idea of a government of the people by and for themselves. Nor is the notion that the Postal Service is a business carried on by the Government, which should be at least self-sustaining, if not profitable, a just or wise one, and to so regard it tends to impair its efficiency and retard its improvement. The Government properly engages in no business as such, but undertakes, as their agent, to supply to the people those conveniences which it can furnish, by comprehensive appliances and with the aid of law, in a far superior and cheaper manner than they can by other means provide for themselves.

It is obvious that the Postal Service is of a general public value of vast importance, quite distinct from that value which is only the combined sum of its usefulness to particular persons whose errands it performs. The chiefest feature of this general kind is the common good which arises from the dissemination of intelligence, the spread of intercourse, and the increase of facilities for procuring the small things which bestow the comforts of life, resulting in the diffusion of a greater happiness among all the people.

It is an undeniable consequence that an equitable assessment of the expenses of the Postal Service would impose a goodly share upon the common public to be drawn from the Common Treasury \* \* \*. It seems only fair and safe judgment to decide that when the revenues derived from as moderate an assessment upon first-class matter as but two of the smallest coins upon an ounce of weight and much less charges on inferior matter will approximate the whole cost of the service, the remainder is but a fair burden upon the common public, be it more or less, because it proves the employment of the service to have become so general that to distinguish between the public who bear the burden of general taxation and the public who enjoy the facilities of the Postal Service is both impossible and unimportant. Assuredly from such distribution as may exist of that kind, no human discrimination is nice enough to confidently decide that the present burden of deficiency is inequitable. It ought therefore neither to give the slightest concern upon that account, nor much less qual-

ify with hesitation any desirable step toward the improvement of the efficiency or the enlargement of the valuable functions of this excellent minister of universal comfort and convenience.

Mr. Chairman, it is a fallacy to class the United States Postal Service with a business like a telephone company whose reason for existence is making money.

It can not be denied that the telephone business is a great success considering that its objective is profit making. Its service is dependent upon the money return. Only those families and business concerns which pay a fixed monthly charge for the telephone instrument get service and they pay that charge whether they use the telephone or not. Would it be suggested that the American family must pay a monthly fee for the purpose of the installation of a mail box in which to receive mail?

Poor's Manual gives some facts about the outstanding telephone company which practically controls the entire telephone field. In 1929 the total operating revenues were \$1,070,794,499. Profits paid to stockholders in the form of dividends were \$132,223,833. The cash surplus was \$84,881,037.

That means total profits, after every possible expense, including depreciation of over \$164,000,000, is deducted, of \$217,104,872. That is more than 20 per cent of revenues.

From the facts it could be argued not that postal charges should be modeled after those in the telephone business, but rather that the general public would be benefited if telephone communications were included in that people's agency of communication known as the United States Postal Service.

Mr. Chairman, no private business can serve as model for a public service such as the post office.

May the day never come when the truthful answer to the question as to the purpose of the Postal Service will be either "to earn profits" or "to collect money to meet expenses."

As a matter of fact, the postal establishment and a private business are founded on exactly opposite principles. In a business, when the conflict comes between profits and increased service, profits always win. In the post office, when that conflict comes, service wins and profits are disregarded. Judged on this primary principle, the post office is not a business; it is a public service.

If the post office were conducted as a business, a great many conveniences and services would be immediately discarded. The Rural Free Delivery Service, with all its value but with its \$50,000,000 loss a year, would be the first to go. The only test put to each of the multitude of services given would be, "Does it pay its way?" And if the answer were negative, it would be sunk without a trace.

The heart and essence of private business are profits. Take profit out under our present system and there can be no business. When any business continues without profit for a time it is in the hope of making profit, and if that hope is not realized the business stops.

In a business it is profits which determine wages and salaries, working conditions, and selling prices.

Mr. Chairman, I protest against binding this great agency of intercommunication between 120,000,000 Americans in that kind of a vise. In this institution the extent and quality of the service given and the compensation and working conditions of those who give it must not depend on a dollar-and-cent balance, but on its purpose of advancing the common welfare to the greatest extent possible. A money balance in this service no more decides its true worth than it does in the conduct of a public school.

The Postal Service is a part of the American educational system far more than it is a part of our business system. The Postal Service System is a great human organization composed of 375,000 workers, banded together in a cooperative, enlightenment enterprise. Such a service pays dividends not primarily in dollars and cents but in better citizenship.

Of course, I do not mean to say that financial considerations should be entirely forgotten. We can and do make charges for services rendered and three-quarters of a billion dollars are brought in. But those charges are established on the lowest possible basis, so that the service shall be as wide



as possible. The first consideration is service; the charge is secondary.

I favor the highest efficiency in the post-office establishment. Still there is a vast difference between efficient service and efficient money-making. If a private business took over the Postal Service and rebuilt it on a profits basis, it would reduce service and increase charges. If, however, a private enterprise were ordered to continue the traditional policy of the post office and give the present service at the present charges, the deficit would be much higher than it is to-day.

In other words, as a service-giving institution the post-office establishment is to-day the most efficient organization on earth.

Let profits be the dominant motive in private business. It must be so under our present system, and no better motive

has ever been discovered for the conduct of such business as is naturally competitive.

But let us keep one great institution as the embodiment of another motive—that of cooperative service. Here is no business to show a favorable balance or be branded as a failure. Here is a service to be extended to the utmost, whether the extension shows a money loss or a money gain. That service is one of the birthrights of every American and we should not curtail it now.

Now, Mr. Chairman, putting aside the fundamental policy involved, let us analyze the specific contention that first-class rates should be increased 25 per cent, thus substituting a 2½-cent rate for the 2-cent rate in force since 1885.

In that connection it will be interesting to consider the cost-ascertainment report of the Post Office Department for 1930. The summary is as follows:

TABLE A.—Recapitulation of allocations and apportionments of postal revenues and expenditures for the fiscal year 1930 to the classes of mail and special services, not taking into account relative priority, degrees of preferment, and value of service in respect to expenditures

Fiscal year 1930	Revenues	Expenditures	Excess of apportioned expenditures over revenues	Excess of revenues over apportioned expenditures
1	2	3	4	5
<b>Classes of mail:</b>				
First class—				
Other than local-delivery letters.....	\$253,680,859.57	\$209,745,011.11		\$43,935,848.46
Local-delivery letters.....	105,776,334.80	68,502,479.64		36,873,855.16
Air mail.....	5,272,616.45	15,168,778.58	\$9,896,162.13	
Total, first class.....	364,729,810.82	293,816,269.33		70,913,541.49
Second class—				
Publications exempt from zone rates on advertising under act of Oct. 13, 1917 (par. 4, sec. 412, P. L. and R.).....	2,354,123.64	17,258,116.13	14,903,992.49	
Zone rate publications—				
Daily newspapers.....	13,093,562.96	45,354,313.13	32,260,750.17	
Newspapers, other than daily.....	2,238,426.86	12,834,436.37	10,596,009.51	
All other publications.....	11,379,613.02	35,974,257.86	24,594,644.84	
Free in country, all publications.....		7,810,161.45	7,810,161.45	
Total, publishers' second class.....	29,065,756.48	119,231,304.94	90,165,548.46	
Transient.....	1,643,053.50	1,179,342.67		463,710.83
Total, all second class.....	30,708,809.98	120,410,647.61	89,701,837.63	
Third class.....	61,490,185.87	82,992,233.49	21,502,047.62	
Fourth class—				
Local delivery.....	2,453,522.11	2,111,593.69		341,928.42
Zones 1 and 2.....	51,954,933.82	74,595,680.88	22,640,747.06	
Zone 3.....	30,747,939.80	34,017,415.11	3,269,475.31	
Zone 4.....	28,550,871.24	25,468,796.91		3,112,074.33
Zone 5.....	19,896,194.42	16,818,746.47		3,077,447.95
Zone 6.....	6,789,899.19	5,652,547.31		1,137,351.88
Zone 7.....	4,392,692.03	3,547,698.05		844,993.98
Zone 8.....	6,302,685.27	5,016,789.42		1,285,895.85
Total, fourth class.....	151,658,537.13	167,229,267.84	15,570,730.71	
Foreign—				
Other than air mail.....	18,195,679.96	34,142,849.06	15,947,169.10	
Air mail.....	332,988.03	4,300,000.00	3,967,011.97	
Total, all foreign mail.....	18,528,667.99	38,442,849.06	19,914,181.07	
Penalty—				
For the Post Office Department.....		3,998,992.71	3,998,992.71	
For other branches of the Government.....		3,808,540.65	3,808,540.65	
Total, penalty.....		7,807,533.36	7,807,533.36	
Franked—				
By Members of Congress.....		575,676.51	575,676.51	
By others.....		124,978.88	124,978.88	
Total, franked.....		700,655.39	700,655.39	
Free for the blind.....		65,178.98	65,178.98	
Total, all mail.....	627,116,011.79	711,464,635.06	84,348,623.27	
<b>Special services:</b>				
Registry—				
Paid registrations.....	13,822,559.88	21,093,698.14	7,271,138.26	
Free registrations—				
For the Post Office Department.....		1,840,028.63	1,840,028.63	
For other branches of the Government.....		327,893.86	327,893.86	
Total registry.....	13,822,559.88	23,261,620.63	9,439,060.75	
Insurance.....	8,775,399.61	11,302,844.62	2,527,445.01	
C. O. D.....	5,817,070.03	10,308,860.13	4,491,790.10	

<sup>1</sup> These computed expenditures do not take into account the preferential treatment accorded to first-class mail and to newspapers.

<sup>2</sup> These items represent the payments made to contractors for the transportation of mail by airplane on domestic and foreign routes, respectively, together with the cost of transporting the mail to and from air mail fields and the cost of distribution in air mail transfer offices.

<sup>3</sup> Includes \$539,829.25 revenue from special-handling service.

<sup>4</sup> Includes \$161,767.55 receipts from foreign countries for handling foreign mail in transit through the United States, and \$104,076.18 revenue from miscellaneous special services in connection with foreign mail.

<sup>5</sup> Includes \$1,067,206.93 revenue from return receipts for registered mail.

<sup>6</sup> Includes \$28,335.26 revenue from return receipts for insured mail.



TABLE A.—Recapitulation of allocations and apportionments of postal revenues and expenditures for the fiscal year 1930 to the classes of mail and special services, not taking into account relative priority, degrees of preferment, and value of service in respect to expenditures—Continued

Fiscal year 1930	Revenues	Expenditures	Excess of apportioned expenditures over revenues	Excess of revenues over apportioned expenditures
1	2	3	4	5
Special services—Continued.				
Special delivery	\$12,064,054.80	\$12,057,705.62		\$6,349.18
Money order	17,841,910.72	28,890,163.32	\$11,048,252.60	
Postal savings	1,562,106.84	1,426,243.92		135,862.92
Total, special services	59,883,101.88	87,247,443.24	27,364,341.36	
Total mail and special services	686,999,113.67	798,712,078.30	111,712,964.63	
Unassignable	17,587,237.68	4,025,458.24		13,561,779.44
Total related	704,586,351.35	802,737,536.54	98,151,185.19	
Unrelated	1,905,827.30	2,203,424.91	297,597.61	
Grand total, 1930	706,492,178.65	804,940,961.45	98,448,782.80	
Revenue credits (act of June 9, 1930):				
Penalty matter, other than that of Post Office Department, including registration	9,347,505.00			
Franked matter—				
By Members of Congress	718,000.00			
By others	154,545.00			
Second-class matter, free in country	753,263.00			
Free matter for the blind	63,779.00			
Publications exempt from zone rates	414,388.00			
Expense credits (act of June 9, 1930):				
Aircraft service		13,863,174.10		
Differential favoring vessels of American registry		14,355,004.29		
Grand total, 1930 (adjusted to the act of June 9, 1930)	717,943,718.65	776,722,733.06	58,779,064.41	

NOTE.—The above segregations of the computed total expenditures chargeable to first-class, second-class, fourth-class, foreign, penalty matter, franked matter, and to registry service, and of the revenues from fourth-class matter have been developed by processes of approximation.

Mr. Chairman, this table states that the excess of revenues over expenditures as to first-class mail, eliminating the loss on air mail, which is not counted as a charge against postal revenues, is over \$80,000,000. The obvious comment, and one which is being widely used, is that if first class shows such a gain at the present rate, there is certainly no justification for increasing it.

However, I will be frank in saying that my opposition to the proposed increase is not affected by the figures of the cost ascertainment. Only a disregard of all reasonable apportionment of costs in handling the different classes of mail matter could result in such a statement of gains and losses.

Certainly there is no profit of \$80,000,000 in handling first-class mail matter any more than there are losses in second and third and fourth classes, such as may be deduced from this report.

I agree with every contention of the Post Office Department that the carriage of first-class mail is the primary function of the service and that other classes are subsidiary or incidental. Railroads have no difficulty in applying a rate-making formula based on such facts. For instance, the rates on sand and gravel are but 8 per cent of the rate on automobiles.

However, even by an arbitrary formula of assessing one-half of all true postal expenditures against first-class mail, the fact remains that under the 2-cent rate first class pays its full share of costs. For my part, I believe that if we charge one-half of all expenses against first-class mail we have given it all it should rightfully carry. If a higher proportion is justifiable, let us have the facts to support it.

Again, Mr. Chairman, the Postmaster General in his report states that the 2-cent rate has been in effect since 1885, and that since that time there have been increasing commodity prices, and mounting labor costs. Therefore, he argues, there should be an increase in first-class mail rates.

That argument is not conclusive by any means. Let us look at the situation in 1885. In that year the total revenues were \$42,560,000. The expenditures were \$50,947,000, with a deficit of \$8,381,000, or 20 per cent of revenues. It required about 69,000 employees to carry on the service.

The per capita expenditure for postage that year was 79 cents.

Compare that with 1930. The total revenues were \$705,494,000. The total expenditures were about \$803,700,000,

making a total deficit, including nonpostal expenditures, of \$98,215,000, or about 14 per cent of revenues. It required 375,000 employees to carry on the service. The per capita expenditure for postage was \$5.75.

If the same rate of deficit had occurred as did occur in 1885, the deficit would have been \$140,000,000. If the per capita expenditure for postage had remained the same the total revenues would have been \$90,000,000 instead of \$705,000,000. If the number of employees had increased in relation to revenues there would have been 1,200,000 employees instead of 370,000.

What does all this mean? Simply that low postage rates multiplied the volume of mail, while the increasing efficiency of postal employees absorbed it without corresponding increase of cost. Remember, too, that many and expensive services were added after 1885. The rural free delivery, parcel post, collect on delivery, and many other services and facilities have been extended to the people regardless of cost.

The fact is that in spite of all improvements in service, all increases in compensation, the unit cost of handling the letter carried by the Postal Service is lower to-day than in 1885.

From that standpoint and in line with modern industrial practice of a low price reduced as increased volume warrants it, there should be a reduction in the present 2-cent rate rather than an increase.

One thing can not be denied, and that is that every argument now urged for an increase in the 2-cent rate applied with greater force in 1885. With a deficit of \$8,000,000 on a \$42,000,000 business, there were strong arguments to be made for an increase by those who could not vision the service because of the deficit.

Why did the Congress of that day adopt the 2-cent rate instead of increasing the rate of 3 cents for half an ounce which then applied? Solely because Congress deliberately and wisely chose to rely on increased volume at the low rate. Congress desired to increase the extent of the service, and the record since shows how well they acted.

Mr. Chairman, it should be remembered that rate increases do not always mean profits.

That is proven by recent experiments in postage rate making. In the act of 1925 the rate on souvenir post cards and private mailing cards was fixed at 2 cents instead of 1 cent. The Post Office Department estimated that such increase would result in increased revenues of \$10,000,000. The first year's experience showed that instead of an in-



crease there was a decrease of \$6,000,000 from the revenues received at the lower rate.

As a result Congress restored the 1-cent rate in the act of 1928.

On transient second class the rate was increased substantially and the result was a loss of 63 per cent of the entire mailings at the lower rate.

The same thing applies even in private industry. Rates may be made so high that business fails. I remember that in 1919 the Pittsburgh Railways Co., which operated street-car lines in Pittsburgh and its suburbs, came before the city council in McKeesport, Pa., and demanded the right to increase its rates on street-car tickets from 33 for a dollar to 10 for 55 cents.

The company finally secured the permission from the public-service commission and the new rate was established. So rapidly did receipts fall that within three months the company voluntarily restored the low rate.

Mr. Chairman, the question will be asked, What do you propose to do about the deficit?

I should answer that nothing is to be gained by being stampeded into unwise action because of a deficit which is largely due to abnormal conditions.

One great step we have taken in disclosing the real postal deficit as distinguished from the fictitious deficit which was reported for many years. By the act of June 4, 1930, sponsored by myself, authority is given for the segregation of the cost of certain free and public-welfare projects which are not justly charged against postal revenues. For 1930 the sum was about \$40,000,000. Eliminating this cost, the postal deficit for 1930 is about \$58,000,000.

While there still remain certain reductions of postal revenues due to deliberate policies of Congress, we may say that the difference between the receipts and expenditures is \$58,000,000.

That amount can be eliminated, not by curtailing service and increasing first-class postage rates but by increased volume of mail and increased morale of the service.

Increased volume lowers costs. If the expense of carrying one message to a certain destination is \$2 the messenger can carry 40 messages to the same address for 5 cents each.

The post office has been built on the basis of low rates and large volume. In 1835 it cost 37½ cents to send a single-sheet letter from Washington to Boston. That year the average American spent 8 cents for postage. To-day a letter is sent from Washington to San Francisco for 2 cents and the average American spends \$5.75 for postage.

There is a certain fixed overhead in the conduct of the post office. That must be met regardless of the volume of the mail. But once that is met increased volume lowers the unit cost of handling mail.

For the 18 years between 1913 and 1930, inclusive, the average yearly increase in postal receipts was \$30,000,000. That takes in times of depression as well as times of booming business. It is conservative to say that if normal times prevail for four years postal receipts will increase \$120,000,000.

It is the record of the service that it can absorb additional volumes of mail without corresponding increase in expenses. That is the reason for the absorption of all increased costs between 1913 and 1928 without permanent increase in deficit.

The present times are far from normal and we should not take any permanent action based upon them.

The postal receipts at 50 selected cities for November, 1929, were 3.19 per cent over November, 1928. The receipts from the same cities for November, 1930, were 13.27 per cent less than for November, 1929.

It would be folly to attempt to meet the present situation by a general increase in rates. We should act in the light of normal business, not abnormal. Additional receipts of \$120,000,000 can be handled by the Postal Service at a cost of \$60,000,000. The difference alone would eliminate the postal deficit.

Mr. Chairman, there never was a time when it was an act of wisdom to sell the Postal Service short. It is folly to do it now. We have not reached the end of postal progress. The steady advance since 1789 in volume of mail and in revenues per capita has not come to an end this year.

So recently as 1923, the average revenues per capita were \$4.78. In 1928, they had increased to \$5.78.

It requires no great stretch of the imagination to state that it will be \$6.78 within a short period.

That will mean increased revenues of \$122,000,000, from which increase alone the deficit can be eliminated.

Public policy demands that we deal with the Postal Service on a permanent, stabilized basis, not through makeshift attempts to meet every spasmodic change in business conditions.

Mr. Chairman, besides normal growth in business a great deal depends upon the morale in the service itself. Engaged in this great enterprise of peace are 375,000 American men and women, each with an important task, no matter how humble it seems.

When that great army is imbued with loyalty, teamwork, and comradeship, the Postal Service is a marvel of efficiency.

When morale is broken through loss of confidence, injustice, doubt, and uncertainty, the work goes on, but there is less efficiency and higher cost.

It is entirely natural and can not be condemned. Countless millions were spent by the United States during the World War to break the morale of Germany and the Central Powers. That effort succeeded and it determined the result of the war.

G. Stanley Hall, at the invitation of the United States Government, prepared an article on Morale for the students' Army training corps. In it he said:

Does a man find his pleasure in the things he ought to? Can he face the world with confidence and joy and get real happiness out of the fundamental things of life? Or is he discouraged, depressed, and prone to lose hope? That is morale or lack of it.

The morale of the Postal Service is the biggest factor in its efficiency. Usually it is at a high pitch. There are splendid traditions of rushing the mails through to destination, regardless of difficulties, from 1776 to the present.

There is a common cause, that of serving every American, whether in the city or in lonely places.

There is sentiment about the service, something like that aroused by the flag itself.

There is an ideal, like a flying goal, which beckons on to more useful service every year.

There is faith in the justice of Uncle Sam and the hope which tides over discouragement.

There is public good will which makes postal workers try to merit it.

All these things inspire and strengthen the morale of the Postal Service.

Still, that morale can be lowered. If the seeds of division are sown and one group is set against another; if faith in a square deal and hope for bettered conditions are dissipated; if the sentiment is blotted out and the ideal of eager, willing service is obscured; if public good will is alienated, the cost can not be made up by increased postage rates.

All these things follow surely upon the policy of branding the Postal Service a failure if it does not bring in as many dollars as it pays out. We did not tell the American soldiers in the World War that they were costing us millions of dollars a day and force them to keep their minds on that. We told them to do the job which had to be done regardless of cost, and it was their invincible morale which enabled them to do it.

Mr. Chairman, let me sum up what I have been trying to say. The post office is not a business, organized for profit making or for balancing receipts and expenditures to the penny; it is a service, organized by the people for their manifold benefits.

Increasing the first-class rate, which has become an institution through 45 years of marvelous postal progress, is not justified from any standpoint.

The best means of making expenses and receipts balance approximately is to keep rates to the lowest point possible, increase the volume of mail, and lower the unit cost. Just as important is maintaining the morale of the service at the highest pitch possible by emphasizing the vital importance of the post office and by assuring a square deal to every



worker in the service from the highest official to the humblest laborer.

In my opinion, for whatever it may be worth, increased volume and increased morale will do more to accomplish the ends desired by the department officials than this recommendation for an increase in first-class rates. And the fact that not one Member of the House or Senate has voiced his support of this increase is gratifying proof that Congress regards the postal establishment as an agency of service rather than as a business to be weighed in the balances of money making. [Applause.]

Mr. BUSBY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. BUSBY. Will the gentleman yield to answer some questions concerning the bill we have before us?

Mr. KELLY. I will.

Mr. BUSBY. I want to ask several questions. The gentleman has given us a lecture which is very interesting, but I think if anybody cared to make a point of order the gentleman would have to confine his remarks to the bill. I would like to ask some questions concerning the bill itself.

Mr. KELLY. The gentleman can have plenty of time to ask all the questions he desires to ask about the bill. I was discussing a question which is pressing upon every Member of the House in connection with postal rates, and I have finished my remarks on that matter.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. SUMMERS of Washington. There is much misunderstanding as to the cause of this deficit. I wonder if the gentleman, in the extension of his remarks, will show how this deficit is made up. The country generally seems to believe that the franking privilege is responsible for a large percentage of it, when, as a matter of fact, it is responsible for a very, very small percentage.

Mr. KELLY. A fraction of 1 per cent; yes.

Mr. SUMMERS of Washington. I hope the gentleman will put those figures in the RECORD.

Mr. KELLY. I will be pleased to do that in connection with the cost-ascertainment report.

Mr. BUSBY. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. BUSBY. I notice from the gentleman's statement he believes the Post Office Department should give service rather than try to make the department pay its way entirely.

Mr. KELLY. That is my belief.

Mr. BUSBY. Does not the gentleman believe that the bill he is proposing now will tend to give the employees an excuse to curtail a service that the Post Office Department has been boasting about during all these years; that is, making delivery of mail matter submitted to it where the address was not at all sufficient?

Mr. KELLY. The gentleman is in error about that. This will rather have the opposite effect.

Mr. BUSBY. What sort of regulations does the gentleman have in mind the Postmaster General should adopt in order to put into effect his proposed legislation?

Mr. KELLY. In the first place, he will put this regulation into force—

Mr. BUSBY. How? That is what I want to know.

Mr. KELLY. Everyone knows how a regulation is put into force. The department will notify the mail users who want to take advantage of this optional service the conditions which must be complied with.

The first regulation put out will be that any mail user who desires to get a return card with corrected address and pay 5 cents must print on his own envelope a statement that he desires the card back, and will pay for it.

Mr. BUSBY. Then the receiving office must go through and inspect all the pieces of mail as they come in to see if the sender has complied with the regulation?

Mr. KELLY. The receiving office has nothing to do with it. The card goes back from the office of destination.

Mr. BUSBY. But suppose the delivery address is not entirely sufficient according to the opinion of the office to which the mail is addressed. What happens?

Mr. KELLY. Nothing happens, unless there is printed on the envelope of the sender a statement of his desire for the return of the card.

Mr. BUSBY. If it is printed on there that does not help in determining where it is going.

Mr. KELLY. The purpose is simply to get the card back giving the corrected address, thus preventing the sending of more misdirected mail.

Mr. BUSBY. Has the legislation anything to do with the efficiency which the Post Office Department has been boasting about in delivering mail with obscure addresses?

Mr. KELLY. The gentleman will understand that this does not affect the directory service except where, at their own option, the senders desire to avail themselves of the service and get the card back.

Mr. BUSBY. How does the gentleman determine the amount that this will cost?

Mr. KELLY. The Post Office Department has ascertained it through their own sources of information.

Mr. BUSBY. Is their estimate of the cost as reliable as that of Mr. Stewart when he was before the Post Office Committee as to the raise in the rate of postal cards where he said that the raise from 1 cent to 2 cents would bring in a revenue of \$20,000,000 and the result was that instead of \$20,000,000 we got less than half.

Mr. KELLY. I do not know how the figures were secured, but I will ask unanimous consent to insert in the RECORD the figures, which state the cost of directory service at between two and three million dollars a year.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I certainly am.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin for one hour.

Mr. STAFFORD. Mr. Chairman and gentlemen of the committee, we have all been interested in the eloquent address of the gentleman from Pennsylvania, as to the increase to 2½ cents on first-class mail. For the time being he diverted the attention of the committee from the bill before the House. I am against this bill and I will tell the reason why.

There are two reasons. The indirect effect of the committee's substitute in permitting a charge of 5 cents to be levied on the sender of the mail when it has no correct address will have the ultimate result of no mail being delivered to the addressee unless some fee is charged.

The bill as originally presented to the Congress by the Post Office Department carried an idea entirely foreign to the one recommended by the Committee on the Post Office and Post Roads. It provided that the receiptee should pay a charge of 2 cents to be collected and accounted for in the manner other postage due is accounted for. That due postage of 2 cents was to be paid by the receiptee and not by the mailer.

You seek by this bill to authorize a charge of 5 cents to be paid by the mailer for the purpose of having the Post Office Department act as a detective agency to disclose the whereabouts of persons to whom mail is addressed. That is the ulterior purpose back of this bill.

The chairman of the committee in a side remark takes exception to my charge of an ulterior purpose. I made the charge here when the committee, of its own motion, not upon the recommendation of the Post Office Department but of its own motion, suggested a fee of 20 cents on parcel-post matter for the purpose of ascertaining the address of persons to whom parcel-post mail is sent by mail-order houses for their private advantage, and my charge was not denied by the chairman of the committee or by any member of the committee. That was an emanation of the Committee on the Post Office and Post Roads and not of the Post Office Department, and



this suggestion under consideration now is an emanation of the Post Office Committee and not of the Post Office Department, and seeks likewise to aid certain mail-order houses or collection agencies to ascertain the address of a party. The gentleman from Pennsylvania [Mr. KELLY] stated that the mailers are willing to pay a fee of 5 cents if they can ascertain the address of the person to whom the letter is directed. I assert that when you establish this policy it is only a step before you are going to have no mail delivered to the person to whom it is addressed, where it does not contain the correct delivery address, except on payment of a fee. That was the purpose of the bill as originally presented by the Post Office Department, and now the Committee on the Post Office and Post Roads substitutes an entirely different idea by accommodating these mail-order houses and certain collection agencies, so that they can find the address of a person by paying a fee of 5 cents. I ask gentlemen to seriously consider this phase of the matter. Do you wish the Post Office Department to be used as a detective agency to ascertain the address of people who wish for some good reason that address withheld? I do not. I know of instances where collection agencies would give any amount of money to find the whereabouts of people. I want the Postal Service always to be free and to hold the information confidential as to the address and whereabouts of people to whom mail is sent. I may be in a small minority in my view of the purposes for which the Postal Service should be used, but that is my view to-day, and I am going to hold to it until some person can change that view.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Pennsylvania.

Mr. KELLY. Is the gentleman in favor of the original proposal of the Senate bill to levy 2 cents, through a compulsory fee, upon every bit of mail?

Mr. STAFFORD. I am not.

Mr. KELLY. Then the gentleman is not in favor of the Senate bill as it came from the Senate?

Mr. STAFFORD. I am not. I am following the logic of the gentleman's position when he elaborated on the virtues of the Postal Service of having that department used for public service. There are many people in this country who do not know the street addresses of people to whom they address mail, and if they place 2 cents on a letter they are entitled to the directory service of the Post Office Department.

I take issue with the gentleman as to the reasons he is opposed to increasing the postage on first-class mail to 2½ cents. I am opposed to that increase because 2 cents is more than compensatory for the service rendered. Your country people and my city people do not always know the address of the people to whom they send mail in different cities, and they are entitled to have the Post Office Department ascertain that address, even in case the party moves. During the holidays much of my mail is addressed to me at my home, but I direct to have my mail come to my office. That change is accomplished by a notice sent to the superintendent of delivery. The work is inconsequential, and why should I pay more than the 2 cents when the 2 cents is more than compensatory for the service.

Mr. HOGG of Indiana. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HOGG of Indiana. I would like to know from the capable gentleman from Wisconsin if he does not always seek to have the correct address on his own mail?

Mr. STAFFORD. I do; but some mail is sent to me at my home, as, for instance, Christmas cards. I notify the superintendent of delivery when I come home that all of my mail should be delivered to my office. That is a change of address. Yet some of the mail comes to me, as to many Members of Congress, at my home. How do I know when I want to write a letter to any of my colleagues when Congress is not in session as to their exact city address. I address it to

their home city but not to their home address. Why should not that address be adequate?

Mr. HOGG of Indiana. Will the gentleman explain why he thinks that all large users of mail have an ulterior motive in wanting to have the correct address on their mail?

Mr. STAFFORD. Did the Post Office Department recommend the substitute submitted by the gentleman's committee?

Mr. HOGG of Indiana. Yes.

Mr. STAFFORD. Where is the testimony to that effect?

Mr. HOGG of Indiana. This was changed after they testified.

Mr. STAFFORD. Yes. It is the emanation of the Committee on the Post Office and Post Roads. I served years ago on that committee, and I knew then how some publishers of advertising sheets were only too desirous of having unrestricted use of the second-class mailing privilege. There is some ulterior purpose back of this bill. Why not be frank and tell who are the parties who are willing to pay 5 cents for these addresses?

Mr. KELLY. The gentleman is irresponsible in making such a statement as that.

Mr. STAFFORD. Irresponsible! And yet the gentleman's committee reports a bill that has not the recommendation of the Post Office Department, when it is clearly distorted from the original purpose of the Post Office Department.

Mr. KELLY. What the gentleman says as to any ulterior purpose in this bill is unjustifiable. The idea of the bill is that we have endeavored to work out an optional charge instead of a compulsory charge. We understood there was a loss of \$3,000,000 and we desired to make up part of that loss. We refused to put the burden on the addressee. As a result of our deliberations—and the Post Office Department helped to shape this bill as it stands—we have worked out the proposition where the mail sender may have additional service for a 5-cent fee. That will help decrease the loss now sustained through directory service.

Mr. STAFFORD. Why does not the Post Office Department levy higher rates on parcel post, when it is acknowledged by all that the rates for the carriage of parcel post are below that which is compensatory?

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. COCHRAN of Missouri. I would like to advance the thought to the gentleman that if this bill is passed in its present form it is going to conference, and when it comes back here you will probably have the Senate bill with the House amendment added. What assurance have we the Senate will not insist on the bill as it passed the Senate?

Mr. STAFFORD. Sooner or later, if this bill is passed, you will see a charge made upon the recipients of the mail when the mail does not contain the street address.

Mr. Chairman, I reserve the balance of my time, and I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman and members of the committee, there is an adequate way in which the sender of mail may secure the address of the sendee if the mail reaches him, and that is by asking for a return card on a registered letter. He can be certain in that way. It will cost him a little more than this, but the peculiar thing about this bill is that we are having a charge levied in the Post Office Department, not a charge fixed by Congress but a charge fixed by regulation of the Postmaster General, under conditions to be prescribed by him, pursuant to this legislation.

Following that, I assure you that every employee in the delivery departments throughout this country will be cognizant of the fact that there is a letting down of the efficiency that they are called upon to render, in the service which they render, to the people who have mail addressed to their places. They will look this over and they will use it as an excuse for not rendering that efficiency that has been characteristic heretofore. They will say that Congress has passed a law



saying that "unless this party put a stamp on the corner, whereby he paid 5 cents for a notice, that we are not required to exercise that diligence that we formerly exercised." They now take down their city directories and they use every means at their command and they very nearly find the addressee, if he is to be found, without any additional charge.

Now, it will be said, if this bill becomes the law, "Why do you not give the correct address?" Frequently you write to a man at a post office where the postmaster knows his particular address better than the man who writes the letter, and he is rendering that service to you and to me and to everyone else, and he does it simply because he is on the ground and has peculiar information that is necessary to make the delivery.

I am not in favor of passing any legislation which will tend to lessen that peculiar efficiency that the Post Office Department has been pointing to with pride throughout the years. The particular thing that we all commend the Post Office Department for is making delivery of almost every piece of mail; so nearly so that not more than 1 in 7,000 goes astray under the present system; and yet the sponsors of this bill come here and say that it is costing between two and three million dollars to render directory service. That is a rough guess, a worthless guess, and first-class mail was overpaying the cost of handling by \$80,000,000 six years ago. Surely it is overpaying for this service that they say costs between two and three million dollars. Let us not do anything that will break down the morale and efficiency of those who handle mail and who hand it out to the people to whom it is addressed.

Mr. SANDERS of New York. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ROMJUE].

Mr. ROMJUE. Mr. Chairman, I want to make this explanation to the Members of the House. There seems to be some confusion as to just what this proposed legislation means. The history of this proposed legislation began in this way: The Postmaster General recommended the passage of a law similar to this, except that the payee was to make a contribution for the service, for the misdirected mail. The Post Office Committee, after considering that, objected to it and referred it back to the Postmaster General, suggesting that they did not believe this penalty or expense, or whatever you may choose to call it, should fall upon the receiver of the mail, but should fall upon the person who addressed the mail and made a mistake, if it should be borne by anybody.

So this bill comes here now.

Something was said about breaking down the morale of the Postal Department. The law as it is to-day, before the passage of this bill, will work just exactly as it is working now. It will make no change whatever in the delivery of mail in the future, but it does make this change, that 5 cents will be paid. It will be paid by whom? By the man who sends the mail and who makes the mistake in misdirecting the mail, but even that expense does not fall on him unless he first seeks an opportunity and expresses a desire to pay it when he asks for corrected addresses. So there is no expense to anybody unless the man who sends the mail makes a request of the Post Office Department and states that he is willing to pay 5 cents per name for this misdirected mail. Otherwise it costs him nothing.

To illustrate it, suppose I desire to mail out a large quantity of mail. Perhaps I have 25 per cent of my addressees' names wrong. The Post Office Department now and after the passage of this act will seek out the addressee of mail and deliver the mail, but they do not make any report back to the sender of the mail as to the correct address of the recipient of the mail. Three weeks from now suppose I mail out another bundle of mail and I get no report back from 25 per cent of the people to whom I wrote. Their addresses are still wrong. But, if this legislation is enacted, I can go to the Post Office Department and say, "I have been mailing out 50,000 letters every three weeks and 12,500 come back misdirected. Now, I would like to get

those names corrected so that I will not be causing the Post Office Department extra labor all the time. I am willing to pay 5 cents for it per name, so that after this when I write to John Jones at a certain village he will get the mail."

As a matter of fact, gentlemen, it will save labor to the Post Office Department. It will be a saving of time and money to the Post Office Department, and nobody is put to any expense except the man who seeks the information, and he requests the service and pays for it himself.

Mr. BUSBY. Will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. BUSBY. Then, as I understand the gentleman's explanation, this law would furnish a method whereby mailing lists could be corrected so that dead names, where deliveries could not be made, would not remain on the list at the time of the second mailing?

Mr. ROMJUE. That is correct.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the distinguished gentleman from Pennsylvania very frankly admitted that it was the purpose of the Post Office Department in presenting this bill to Congress for passage, and that it was the purpose of the other body in passing it, to permit the Post Office Department to charge an additional 2 cents for directory service on all mail. That is the purpose stated in the title of the Senate bill, which reads:

To authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is recorded.

This committee has seen fit to change the title of the bill. I want you to note the title of the bill after the committee changes it. It still reads as it read before, as follows:

Amend the title so as to read, "An act to provide a postage charge for directory service."

Does not that mean to provide a charge for every piece of mail to which directory service is given? Why, certainly it does, and if you pass this bill with that kind of a title, as proposed by the committee, you are going to find one of two things existing in the department. You are going to find that they are going to make some regulation to charge for directory service or they are not going to give directory service to mail that is entitled to it.

I have in mind an important letter I addressed some time ago to Mrs. Fanny Armstrong Smith, 337 Hickory Street, in a certain city. There was no 337 Hickory Street, but there was 335 Hickory Street, at which this woman had lived for several years and was getting her mail daily there, and yet that letter came back to me as improperly addressed. That ought not to be the case.

The gentleman from Pennsylvania stated that his idea was that the Postal Service should render the very maximum of service to the people of the United States. That is what we ought to impress upon the Post Office Department, and in my judgment, instead of passing this bill, if we would pass a resolution and tell the Post Office Department from the Congress just what the gentleman from Pennsylvania has said from this floor, that we expect the Post Office Department to render to the people of the United States the very maximum of service, we would be accomplishing something constructive rather than to pass a bill of this kind.

Mr. KELLY. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. KELLY. The gentleman certainly can not see any objection to comprehensive legislation of this kind which will give an optional service to those who desire to avail themselves of it.

Mr. BLANTON. But this is not a proper title to carry on this bill, because, as I understood the gentleman from Pennsylvania, if this bill were passed Congress would expect this department to give directory service to every letter that comes into it, whether there is any request for it or not. So what is the use of putting a title on the bill that is false and is an improper title?



Mr. KELLY. The only thing is that the title can not carry the whole bill. We are providing this charge for optional directory service.

Mr. BLANTON. But the committee has seen fit to change the title of the Senate bill, and if they are going to change it why not put a proper title on the bill and not put a title on the bill which states that the Post Office Department is "to provide a postage charge for directory service." Make it provide that the sender must pay a postage charge whenever he wants a return card giving him the correct address. Why not put a proper title on it and not put a title there that will permit the Post Office Department to change its present regulations and refuse directory service to a letter.

When one of my constituents, living out in the country, writes a letter to a city and gives an address there and that address can be found by the distributing clerk by merely referring to the city directory that reference ought to be made and the proper address ought to be put on the letter and it should be delivered immediately.

What would have happened if this Senate bill had been passed just as it was written? Every time a letter went to a post office and it did not have the exact and proper address on it the Post Office Department would ascertain the address and then would send notice to the addressee to the effect that there was a letter there addressed to him, but that it had an improper address on it, and if he would send 2 cents they would send it to him. In that event there would be a delay of two or three days, and such delay ought not to occur in the Post Office Department of the United States.

I think this bill ought to be withdrawn, and if the committee does not withdraw it, I hope the gentleman from Wisconsin [Mr. STAFFORD] or the gentleman from New York [Mr. LA GUARDIA], who watches these things on the floor all the time—I hope one of them will move to strike the enacting clause out of this bill.

This bill ought not to pass. It is not a good bill; it is not properly written; it will not benefit anybody but a few big mail-order houses of the United States; it will not benefit my constituents; it will not benefit the constituents of the gentleman from Pennsylvania; it will not benefit the constituents of the gentleman from New York and the gentleman from Wisconsin. But it will add a burden to all of them. We ought to defeat this bill by sending it back to the committee or by striking out the enacting clause and not permit it to pass.

I have just received a notice from the Post Office Department, after urgent supplication on the part of a lot of people living out in a mountainous region in my district for a little change in a route which would give them some mail service, that the Postmaster General finds that it would cost a little more than the revenues will permit, and that being so they can not grant this service to these people, and they will have to go 5 miles for their mail.

These people living in that mountainous section are entitled to the same postal service from the United States that the people here in Washington get, where you can go to the main post office any time at night or on Sunday and send a parcel-post package or send a letter anywhere in the United States. This is the kind of service they give here in the Nation's Capital; but when you go down into the mountainous sections of Texas, because, forsooth, it will cost a little more than the revenues warrant, they refuse good people rural mail service and make them go 5 miles for their mail.

The time has come when, in addition to the gentleman from Pennsylvania coming on the floor here and giving us an outline of his splendid policies and his ideas about the mail service, we ought to bring home to Postmaster General Brown and his department the fact that we expect the very maximum of service for all of the people of the United States. [Applause.]

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, we are considering a Senate bill with all

the language after the enacting clause stricken out and a paragraph substituted by the Committee on the Post Office and Post Roads.

What concerns me is what is going to happen if this bill passes and is sent to conference. An average of 75,000 people in my city (St. Louis) move every year, and I judge the same number of people move every year in the city of the gentleman from Pennsylvania [Mr. KELLY]. Now, the Senate bill provides, without any ifs or ands, that in using directory service 2 cents shall be charged, but it gives the privilege to the sender, if he desires, of paying the 2 cents, and if he does not pay the 2 cents it is collectible from the person to whom the letter is addressed. Am I correct about that?

Mr. KELLY. The gentleman refers to the Senate bill.

Mr. COCHRAN of Missouri. Yes. What assurance is the gentleman from Pennsylvania going to give the House of Representatives than when this bill comes back from conference it is not going to contain that Senate provision?

Mr. KELLY. Of course, the gentleman from Pennsylvania can say the same thing that any other one Member can say. We absolutely refused in the committee to accept the Senate bill and no change in that attitude is anticipated.

Mr. COCHRAN of Missouri. We have here a situation where the committee offers one proposal and the Senate has offered another. I am not so much concerned with the proposal that is offered by the House, but I do object to the Senate provision.

Mr. KELLY. So do I, and just as vigorously as does the gentleman from Missouri.

Mr. COCHRAN of Missouri. And in order to get what you want you are liable to give way in some respects to the Senate, and the result will be that people residing in the large cities, as the gentleman from Pennsylvania and I reside, are going to be affected by the provisions of this Senate bill. Our constituents will be required to pay this additional charge if the Senate bill prevails in the end.

I think a bill which passed the Senate without a roll call, and with practically no consideration, should not be brought up here in this way, sent to conference, so that the conferees be given an opportunity to rewrite the bill and get what the Post Office Department desires, which is a 2-cent charge for directory service.

Mr. KELLY. If the gentleman will permit, the Post Office Committee unanimously had his view of the matter and refused to accept the Senate bill and substituted an optional proposal. The gentleman ought to be able to trust the House in refusing to accept the Senate provision in case it should come back to the House.

Mr. COCHRAN of Missouri. Well, in the end you will be required to compromise. You will probably have to give something to get something, and what are you going to give? You are going to have influence brought to bear on you by the Post Office Department to agree to the Senate bill, because it is their recommendation. The recommendation for the 2 cents additional charge comes from the Post Office Department; is not that true?

Mr. KELLY. That is true.

Mr. COCHRAN of Missouri. The Senate conferees owe as much to the Senate as the House conferees owe to the House. I am willing to trust the gentleman from Pennsylvania [Mr. KELLY]; but the other conferees have not spoken. Here is what can happen under the Senate bill: A family moves from one street to another in a large city. For a year or more thereafter the mail, the large portion of their mail, will be addressed to the old home. Every time such a letter reaches the post office it will be subject to directory service, and before that mail will be delivered 2 cents additional for each letter must be paid. Wait until your constituents are asked to pay this additional 2 cents, if such a provision is enacted into law. Your constituents will be told the Congress passed the law, and you will then hear from the people who sent you here to protect their interests in more ways than one.

I would like to do something to reduce the deficit in the Post Office Department, but I do not feel we can take the chance on this bill coming back to the House without some of the Senate provisions in it. I propose to vote against it.



Mr. SANDERS of New York. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Hogg].

Mr. HOGG of Indiana. Mr. Chairman and gentlemen, this bill is simple in operation and advantageous in results. There are hundreds of millions of pieces of mail bearing the wrong address given to Uncle Sam every year for delivery. Unnecessary expense is thereby added to the Postal Service.

The bill that came over here from the Senate said that the Postmaster General might charge 2 cents for putting on the correct address. I am opposed to any such measure as that, and so is the entire membership of the House committee. The present bill provides that any user of the United States mails may enter into a contract with the Government whereby, if he agrees in advance to pay 5 cents, he will be informed of the correct address of any addressee.

The large users of the mail—and they are not all bad people—will pay the nickel and have the corrected address returned to them. Then the great volume of mail that does not have the correct address will be thereafter correctly addressed and there will follow a material lessening in the amount of necessary directory service. This will be a good thing for the service. And for that reason I ask for the passage of this bill.

Mr. BUSBY. Will the gentleman yield?

Mr. HOGG of Indiana. I yield.

Mr. BUSBY. Suppose a person does not want the mail to follow him when he moves about? Does the gentleman mean to tell the House that the post-office authorities will furnish to mail-order houses his correct address so that they can keep harassing him with mail that he does not wish for?

Mr. HOGG of Indiana. A person is not obliged to receive any mail that he does not voluntarily wish to receive. He may refuse any or all mail addressed to him.

Mr. BUSBY. What is the purpose of following him with mail from the mail-order house if he does not want to do business with them?

Mr. HOGG of Indiana. I have no connection with any mail-order house.

Mr. BUSBY. How much revenue would be received by the Post Office Department by the passage of this bill—the bill submitted by the Senate—the proposition by the department?

Mr. HOGG of Indiana. I am unable to say. I think that is an unwise measure.

Mr. BUSBY. How does the gentleman know that the conferees will not come back with that bill if you pass this bill?

Mr. HOGG of Indiana. I can not believe that any conferee of the House would agree to it.

Mr. HARE. Will the gentleman yield?

Mr. HOGG of Indiana. I yield.

Mr. HARE. I am much interested in the statement and in the bill, and I would like to ask the gentleman a question. As I understand it, if I address a letter to John Jones, Smithville, and the man is not there, and I had no notice on the envelope guaranteeing 5 cents for the correct address, the postmaster at Smithville will get the proper address?

Mr. HOGG of Indiana. That is correct.

Mr. HARE. But suppose the condition arises where you are unable to find the proper address of John Jones, have I paid my nickel in advance or do I wait until you determine whether the address is correct and get the proper address? I think there is a possibility of the large mail-order houses placing a great burden upon the Post Office Department in trying to locate John Jones, Sam Smith, and Tom Brown. If the money is to be paid before the correct address is furnished, then, so far as the Government is concerned, it would be protected, but if it is paid afterwards, then the Government would not be protected and the sender would be the loser.

Mr. HOGG of Indiana. The point raised by the gentleman will be covered by regulations of the Post Office Department.

Mr. HARE. If the addressee is not found the deposit is returned. I can see a possibility of a great burden being devolved upon the Post Office Department, because in every office there would have to be an additional clerk. It is going to require one or more clerks in every second or third class office in the United States to take care of the demands of the mail-order houses.

Mr. HOGG of Indiana. The department already has the clerks, the fact is that it will relieve them of some of their duties in that it will eliminate a part of their work by aiding the sender of mail to correctly address his mail.

Mr. BUSBY. Will the gentleman yield?

Mr. HOGG of Indiana. I yield.

Mr. BUSBY. If they have the clerks now, how does it cost the Government any more to render this service?

Mr. HOGG of Indiana. I do not believe it will cost the Government any more. It should eventually cost less.

Mr. BUSBY. Is this an effort to raise the revenue of the Post Office Department?

Mr. HOGG of Indiana. Yes. It seeks to take away the necessity of handling so great a volume of misdirected mail. It will cost the department less to handle it.

Mr. KELLY. Will the gentleman yield?

Mr. HOGG of Indiana. I yield.

Mr. KELLY. The Post Office Department estimates that the salary paid for this service is \$1,548,000 per year for these directory clerks alone.

Mr. BUSBY. What would it be after this system goes into effect?

Mr. KELLY. Of course it would be exactly the same, except there would be some return on part of this service.

Mr. STAFFORD. There will be a return receipt, and there is expense.

Mr. HOGG of Indiana. Five cents will more than pay for that.

Mr. Chairman, the real purpose of this bill is to take out of the mail a great unnecessary mass of misdirected mail. [Applause.]

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LaGuardia].

Mr. LaGUARDIA. Mr. Chairman, of course we all know that the Committee on the Post Office and Post Roads is a splendid committee, and one of the hard-working committees of the House. All I say in criticism of the committee in respect to this bill is that the bill is ill advised. I want to point out simply the mechanics of the proposition involved, and a fundamental postal principle which this proposed law will naturally disturb. In the first place, the directory service available to the post office is likewise available to the sender of mail. I am talking, of course, of conditions in the large cities, and not of small places. In small places where there is no directory, each individual is, as a rule, known, and a local street address is not a matter of importance. But when you are furnishing directory service, and a letter is addressed to John Jones, at No. 16 East One hundred and sixteenth Street, New York City, and he is not at that address, all that the Post Office Department can do under the regular routine of the office is to look in the general directory or the telephone directory and ascertain the address. If all you are seeking to do is to provide directory service, then I submit that that same information is available to the sender of the mail as is to the post office.

Next, what other source of information has the post office? This involves what I believe to be a fundamental principle of postal policy. We have always considered and respected the sanctity of the mail. You can not receive any information, direct or indirect, concerning the mail or the character of mail or the receipt of mail or of mail sent to any individual from the Post Office Department.

This other source of information is that which is furnished by any individual to the post office of his change of address. If he moves and changes his address, the post office will redirect all mail addressed to his former address to his present address. That information is not now available. That has always been considered confidential information. The post office is not free now to give that information or to sell it. So that the service contemplated



in this bill will not be the giving of simple directory information, because that is available now to the mailer, but it will be to giving or selling of confidential information which every individual is entitled to repose in the post office at the present time with the assurance that it will not be made public.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. In just a moment. I am not questioning the good faith of the inquiry or the people who would desire information under this bill. I am not questioning the desirability of ascertaining the whereabouts of any individual in many cases, but I am questioning the wisdom of making the Post Office Department an agency for locating individuals or furnishing addresses, regardless of what the purpose may be. That is something that you must consider in voting for this bill to-day.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. KELLY. The gentleman is mistaken about the scope of this bill. There is nothing involved in this bill except directory service. It specifically states that only where this directory service is given this charge shall apply.

Mr. LA GUARDIA. Then I ask the gentleman if he will resist an amendment providing that nothing herein shall be construed to furnish any change of address?

Mr. KELLY. I think that is covered in the law as it is.

Mr. LA GUARDIA. It is covered under existing law, but the purpose of this is to amend existing law and do that very thing. I am not questioning the good faith of the inquiry, no matter who makes it, but let us pause for a moment to see whether or not we are going to use the Post Office Department by payment of 5 cents to look up individuals. What will happen? Naturally, the post office wants to render service. I consider the Postal Service in this country above par. It is better than the postal service in any other country in the world. I think there is no doubt about that. Suppose an inquiry is made through the very simple procedure of mailing a letter accompanied by a request for information provided for in this bill. Is the post office going to send out its carrier to investigate and locate that man? That will be the next step.

The next step will be for the mailer to say, "We pay 5 cents for information and we are entitled to it," and they write to their Congressman, and especially if it is around August or September, the Congressman will want to have service given to his constituents and he will go to the Post Office Department and demand service and ask them to send out their clerks, carriers, and investigators to locate addresses. Are we going to establish in the post office a detective service, a bureau of lost persons, at 5 cents for each service? This bill is far more reaching than appears at first reading, and I ask the gentlemen to pause for just a moment before we convert our post office into a bureau of lost persons or a private detective agency, and thus destroy one of the safeguards that we have been able to maintain in this country, which is the absolute sanctity of the mail.

Mr. BLACK. In New York City we no longer have a general directory, and if they want to find out a change of address they will have to send out a post-office inspector and that will cost a great deal of money.

Mr. LA GUARDIA. Certainly; I have so stated. Telephone directories are now used in large cities, and the same directories are available to all—not only to the post office but to the sender of mail.

Mr. O'CONNOR of New York. Not only in New York City, but in every city throughout the country. General directories are no longer being published.

Mr. STAFFORD. Oh, yes; they are, by the R. L. Polk Co. One is being printed now in Detroit—one every year. New York is behind the times.

Mr. LA GUARDIA. Oh, no; New York is ahead of the times, as usual. They will realize presently in Detroit that general directories are no longer necessary.

Mr. O'CONNOR of New York. Is it not a fact that through this bill confidential information with reference

to a person may be given, which was purposely and deliberately prevented from being given out when we established the service?

Mr. LA GUARDIA. Exactly.

Mr. O'CONNOR of New York. You can not get the addresses through the census; but now, to break down the principle of the census through the Post Office Department, they are going to let lawyers, collection agencies, stock brokers, and so forth find out where any victim or sucker is.

Mr. LA GUARDIA. And we must protect, even in the smallest minority, those cases rather than to break down the fundamental, necessary safeguard which we have maintained all this time of the secrecy and sanctity of mails.

I wonder how many would vote to open the files of the Census Bureau at 5 cents a name and address? I do not think we would get far with that, because I remember distinctly when the census bill was being considered there was no opposition to the secrecy clause. Everybody was for that, and properly so.

Gentlemen, the Post Office Department is a useful, necessary service. In our modern life we could not live without it. Please, for the sake of increasing revenue, and with all the good intentions of the committee and the department, let us not destroy that safeguard and that fundamental principle of good, orderly postal service. [Applause.]

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That each piece of insufficiently or improperly addressed mail which is accorded directory service in effecting or attempting to effect its delivery shall be charged with 2 cents postage in addition to the regular postage, to be collected and accounted for in the manner in which postage due on other mail is collected and accounted for: *Provided*, That such additional postage charge may be prepaid by the sender under regulations prescribed by the Postmaster General: *Provided further*, That such charge shall not apply to matter mailed under the franking and penalty privileges.

With the following committee amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, under such regulations as the Postmaster General may prescribe, in cases where insufficiently or improperly addressed mail is accorded directory service in order to effect its delivery, the mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address: *Provided*, That nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee pending the collection of such additional charge."

Amend the title so as to read: "An act to provide a postage charge for directory service."

Mr. STAFFORD. Mr. Chairman, I make the point of order on the committee amendment that it is not germane to the Senate bill.

The bill sent over by the Senate provides for a charge of 2 cents to be paid as postage due by the receiptee of the letter. The amendment offered by the committee, now before the Committee of the Whole House on the state of the Union for consideration, carries an entirely different idea. It is entirely foreign to the purpose of the Senate bill, in that it provides a charge of 5 cents, to be paid by the mailer upon receipt of the address of the receiptee.

The original idea was a charge of 2 cents to be paid by the receiptee of the letter when the letter did not carry the proper address. Now, it is proposed by the committee substitute to obtain a new character of service, the address of the receiptee, whenever it is in possession of the Post Office Department, to be paid for in advance, whether the letter is delivered or not. It is something entirely apart from the original idea as carried in the Senate bill. That merely provided a charge for ascertaining the address. This substitute provides a charge to the mailer for receiving a certificate or receipt giving the address. Therefore it is not akin to the original proposition.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. CHINDBLOM. I would like to join in the argument of the gentleman from Wisconsin [Mr. STAFFORD], and say to the chairman in the consideration of this point of order, that the amendment proposed by the committee of the



House clearly establishes a new kind of service, which not only is entirely foreign to the Senate bill and the purposes of the Senate bill, but I venture to say is entirely foreign to any present activity in the entire Post Office Department. There is no activity in the Post Office Department now which relates to anything except the proper receipt, carriage, and delivery of matter committed to it. This committee amendment provides a different service, a new service, by which people can get information as to what address people have or where they may be found. I call attention also to the fact that under the very terms of the committee amendment, the giving of this additional service has nothing to do with the delivery of the mail. There is a proviso particularly that "nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee pending the collection of such additional charge."

This charge of 5 cents, therefore, has nothing to do with the delivery of the mail. It simply provides that where the Post Office Department has come into possession of certain information it may divulge that information to people in the country upon payment of a fee of 5 cents for an entirely new service.

I presume it is not necessary to argue to the present occupant of the chair that a committee amendment, whether offered to a House bill or to a Senate bill, must be germane to the bill that comes before the committee. The question of the jurisdiction of the committee is not involved. The committee might have jurisdiction to bring in a bill of this kind as an original bill, but when another bill is before the committee, whether introduced in the House or in the Senate, any amendment proposed, even by the committee itself, must be germane.

I submit with entire confidence that it is clear that the amendment is not germane to the Senate bill. The Senate never intended any such thing. The Post Office Department, which recommended it, never had in mind any such thing as that the Post Office Department should be put in the business of furnishing information as to the whereabouts of people.

Mr. KELLY. Mr. Chairman, this, I am sure, is a matter that is easily understood. It deals with the directory service only. The Senate bill provided that the sender might prepay the fee of 2 cents. Certainly it was within the power of the House to change that fee from 2 cents to 5 cents. The committee saw fit to strike out the further provision which compelled the addressee to pay it and held the bill to an optional service for 5 cents to the sender.

If the Chair will notice the original Senate bill, it is provided in the bill itself as to the payment by the sender and the 2-cent fee. We have confined it to the sender and established a 5-cent fee. Certainly a committee of the House has a right to deal with two methods by adding a third or taking one alone. Both bills deal with directory service.

As the gentleman from Illinois [Mr. CHINDBLOM] said, this is a new service. At the present time directory service is given free of charge. The Senate undertook to provide a 2-cent charge and have the addressee pay it. The House committee provided that the sender may pay it if he desires, and instead of 2 cents he must pay 5 cents.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. CHINDBLOM. Does the gentleman say that the payment of the 5-cent fee has anything to do with the delivery of the mail?

Mr. KELLY. That is not involved in the bill, nor was it involved in the Senate bill. This bill has nothing to do with the delivery of the mail; it is only a charge for directory service, which, at the present time, could be barred by the Post Office Department. If the Post Office Department issued a regulation to-morrow that mail will not be given directory service, that service would not be given unless we passed a law providing that it should be given.

Mr. CHINDBLOM. The Senate bill reads as follows:

That each piece of insufficiently or improperly addressed mail which is accorded directory service in effecting or attempting to effect delivery, shall be charged with 2 cents postage.

Such is the purpose of the 2-cent fee proposed in the Senate bill, but that is not the purpose of your 5-cent fee. Your 5-cent fee is to make it possible, for instance, for me to find out where you live.

Mr. KELLY. No; the gentleman is mistaken. If the gentleman will refer to page 2 he will find that we use the identical words in the House amendment.

In cases where insufficiently or improperly addressed, mail is accorded directory service in order to effect its delivery.

Mr. CHINDBLOM. But the 5-cent fee is not for the purpose of effecting delivery. The 5-cent fee is for the purpose of giving somebody information which could not be obtained in any other way. As a practicing lawyer, I would not like anything better than to be able to obtain this information for a 5-cent fee. If I send a letter to John Jones, who five years ago lived at a certain address, I would be very willing to pay the Post Office Department 5 cents to find out for me where he is now living. I have frequently spent \$5, \$10, or more for the purpose of obtaining information which I could not gain in the ordinary way. When a letter carrier comes around asking for an address, people believe he has the authority to ask for such information and they will give it.

Mr. KELLY. No letter carrier, under this bill, is going to come around asking for addresses. This is to provide for directory service in the post office, and it only applies to the clerical service given.

Mr. CHINDBLOM. About the 1st day of May and about the 1st day of October there are many removals in the big cities, and the gentleman knows that when a carrier comes with a letter for John Jones living at 215 Main Street, if John Jones is not living there and the carrier asks where John Jones is living the people living at that address will, because they believe he has authority, give him that information, and the next step in this legislation will be to give that information to people who inquire for it.

Mr. KELLY. We are dealing here with directory service. In the case the gentleman suggests the forwarding address will be given at the post office and the mail will be sent out through a carrier to that forwarding address, without directory service.

Mr. BLANTON. Mr. Chairman, so far as the merits are concerned, I am against both the Senate bill and the House committee amendment, but I am concerned in orderly procedure. This is a legislative committee of the House. It has jurisdiction to bring in any kind of a bill of this character. It has just as much jurisdiction to put this amendment on a Senate bill as it would have to report this amendment in an original bill of its own. I do not think that an amendment proposed by a legislative committee must be germane.

Mr. STAFFORD. Suppose a member of the committee should offer this amendment on the floor of the House.

Mr. BLANTON. That is different.

Mr. STAFFORD. Wherein is it different?

Mr. BLANTON. I will remind the Chair of a decision rendered by the distinguished gentleman from New York, Mr. Hicks, on this very point, where he held that while a committee member from the floor could not offer an amendment that was not germane, a legislative committee itself could present to the House any kind of amendment that was within the jurisdiction of the committee.

The CHAIRMAN. If the gentleman has such a decision the Chair would like to have it.

Mr. BLANTON. There is such a decision. I can not put my fingers on it at the moment, but the parliamentary clerk will probably be able to show it to the Chair. It was a decision by Mr. Hicks, wherein he called attention to the distinction between the authority of a member of a committee on the floor and the authority of the committee itself.

Mr. DOWELL. Mr. Chairman, I think the gentleman is entirely mistaken in his proposition that an amendment must not be germane to the original bill, and I assume there can be no question that any amendment which is offered by the



committee or by any member thereof must be germane to the bill before the House.

I want to call the attention of the Chair to this proposition: The original bill provides for an additional fee for directory service and the delivery of a certain piece of mail. That is the whole proposition in the original bill. For that a charge is made and there is but one proposition, the delivery of that mail to the person to whom it was sent. I want to read the amendment offered by the committee because it calls for an entirely different proposition and has nothing whatever to do with the delivery of the letter or the mail. It reads as follows:

The mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address.

In other words, the Post Office Department must go into the business of furnishing to the sender the address of a certain person, who is inquired about, and without reference to the delivery of the mail.

It seems to me we are adding a different branch of service to the Post Office Department. It is not germane to the question of delivering the letter to the one to whom it was sent, but it is merely to furnish to the sender of that letter the address or the location of the person he is desirous of having located. When the Post Office Department gets beyond the question of the delivery of the mail dropped in the office it is getting into another, a different and a wider field.

It seems to me, irrespective of the merits or demerits of either of these propositions, the amendment is not germane to the question of the delivery of the mail.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LA GUARDIA. The gentleman might add that we have a confession from the committee itself that this is an entirely different proposition and they admit that by even offering an amendment to change the title of the bill.

Mr. DOWELL. Certainly.

Mr. KELLY. Just a moment. The title of the bill as offered by the House is exactly the title as amended by the Senate bill.

Mr. LA GUARDIA. It does not appear so here.

Mr. DOWELL. The change the gentleman is seeking to make by the amendment is to have the Post Office Department, instead of delivering a letter that is put in the box, notify the sender where the man lives. It is another and a different service, and it seems to me it can not be said in any sense to be germane to the question of directory service and the delivery of a certain piece of mail. I think it is clearly not germane and therefore is not in order.

The CHAIRMAN (Mr. RAMSEYER). The Chair is ready to rule.

The Chair thinks that it is clear that a committee amendment must be germane to the bill that is reported by the committee. The Chair does not care to take up the time of the committee to discuss that, but refers as authority to Volume V, section 5806, of Hinds' Precedents in support of this position.

The question arises, Is the committee substitute amendment germane to the Senate bill (S. 3178) which is up for consideration?

The title of the bill reads "To authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded," and then the bill goes on and states "that each piece of insufficiently or improperly addressed mail which is accorded delivery service in effecting or attempting to effect its delivery shall be charged with 2 cents postage in addition to the regular postage, to be collected and accounted for in the manner in which postage due on other mail is collected and accounted for."

Here is a piece of mail which requires directory service. There is a charge of 2 cents imposed upon it, which will be collected by the employee of the post office who delivers that piece of mail.

There is a proviso which provides that under regulations of the Post Office Department the sender of the mail may prepay this charge, but, in any event, each piece of mail which requires directory service is charged 2 cents additional postage.

The committee substitute for the Senate bill provides—

That under such regulations as the Postmaster General may prescribe, in cases where insufficiently or improperly addressed mail is accorded directory service in order to effect its delivery, the mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address: *Provided*, That nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee pending the collection of such additional charge.

Here is a piece of mail that requires delivery service. There is no additional postage charge levied against it by the committee substitute. Under the proviso that piece of mail must be delivered without additional postage.

The committee amendment, in the opinion of the Chair, provides for selling a new service to the mailer, and if the mailer requests or seeks that service he pays 5 cents for such service, but that has nothing to do with the delivery of the mail. No additional postage is charged against the piece of mail requiring directory service, while, on the other hand, the main purpose of the Senate bill is a charge of additional postage on each piece of mail requiring directory service.

The proposition in the amendment is quite different from the proposition referred to the committee in the Senate bill, and the Chair is of the opinion it is not germane and, therefore, sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the enacting clause and is recognized for five minutes.

Mr. DOWELL. Mr. Chairman, would not a motion to recommit the bill be in order?

Mr. SANDERS of New York. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill be recommitted to the Committee on the Post Office and Post Roads.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to withdraw the motion to strike out the enacting clause.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. SANDERS] moves that the committee do now rise and report the bill back to the House with the recommendation that it be recommitted to the Committee on the Post Office and Post Roads.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill S. 3178, had directed him to report the same back to the House with the recommendation that the bill be recommitted to the Committee on the Post Office and Post Roads.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

The question was taken, and the bill was recommitted to the Committee on the Post Office and Post Roads.

#### PAYMENT OF MONEY ORDERS

Mr. SANDERS of New York. Mr. Speaker, I call up the bill (H. R. 8568) to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8568, with Mr. RAMSEYER in the chair.



The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to regulate the payment of postal money orders," approved February 6, 1914 (38 Stat., p. 280; U. S. C., title 39, sec. 727), is amended to read as follows:

"That under such rules and regulations as the Postmaster General shall prescribe postal money orders may be issued payable at any money-order post office, and on and after the date upon which such rules and regulations become effective all money orders shall be legally payable at any money-order post office, although drawn on a specified office; and as compensation for the extra labor involved in paying a money order at an office other than that on which the order is drawn the Postmaster General is authorized to exact an adequate fee; and that all laws or parts of laws in conflict herewith are hereby repealed."

Mr. SANDERS of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman, this bill is an effort to reduce the loss on money orders. On money orders for 1930 there was a loss of \$11,048,000, meaning that excess of expenditures over receipts. This bill will not so much raise revenues as it will decrease the loss on money orders.

At the present time there is a system growing up by which large concerns—some of them the mail-order houses about which so many fears have been expressed to-day—get their money orders collected in a central post office although they are drawn on many different post offices. That means that the present system in regard to the payment of money orders is overturned by such a practice, and additional expense is involved.

Our money-order system was established in the interest of travelers and the orders were cashed at the offices on which they were drawn.

However, these mail-order establishments and others have the practice of taking all their money orders and cashing them at one post office.

The bill provides that where that is done, where the money was collected at an office other than the office stipulated in the money order there shall be an additional fee varying with the size of the money order. Money orders are issued from \$2.50 for 5 cents up to the amount of \$100. This will produce some revenue and decrease the loss on money orders. It is no burden on the general public and it will not be placed upon anyone who carries out the original purpose of the money-order system.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. STAFFORD. The bill as originally introduced authorized the Post Office Department to determine an adequate fee for this service. The committee has provided an amendment to charge a like fee to that which was originally paid for the issuance of the money order. My first impression when I read the bill was that it would be better to leave the additional fee that would be levied by this service to the determination of the post-office authorities rather than prescribing the fixed fee that was paid originally for the issuance of the money order.

For instance, let us take a concrete case. A large money order is issued in San Francisco payable in Chicago. The person deposits it in the South Chicago office or at the post office in Gary, and because of that the service will be much less than if the money order was cashed in New York. I think in that instance it would be an unfair burden on the person cashing the order. I would like the opinion of the gentleman from Pennsylvania if it would not be better to leave the determination of the amount of the fee to the Postal Department rather than fixing mandatorially in all instances a duplication of the fee?

Mr. KELLY. There was objection in the committee to leaving these fees to the discretion of the department. In the main we have tried to put specific fees in these bills. In this case it was the unanimous opinion of the committee that if we charged the same fee that was paid for the issuance of the money order it would not be burdensome, because the fee was low and there would be a specific fee for the service rendered.

Mr. STAFFORD. I have submitted a concrete case where the charge might be too large.

Mr. KELLY. As far as the office being near at hand is concerned, there is no difference in the expense involved. The moment a money order made out for South Chicago is cashed in the Chicago post office all expense immediately attaches to the records and the bookkeeping service; so that so far as that is concerned, it would make no difference whether it was San Francisco and New York, or two adjacent offices, the additional expense would be the same.

Mr. STAFFORD. It was my impression that the Post Office Department sent a voucher in advance to the office on which the order is drawn, and, of course, if it is cashed in a near-by office, the expense would be less than if it was cashed in an office a considerable distance from the original designated office.

Mr. KELLY. No; the additional bookkeeping, or accounting, would be exactly the same. The usual money order will not be affected, but abuses growing out of methods of some concerns are increasing every month and should be dealt with if we are to prevent increasing losses.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. ALLGOOD. Will a man who has been issued a money order have to be identified at the office where he is not known? For instance, if a man takes money orders and travels throughout the country and uses them instead of cashiers' checks, what is the custom of the Post Office Department in respect to identification?

Mr. KELLY. There is a regulation that there should be identification, but as a matter of fact, banks will sometimes take them in on slight identification and send them in numbers to the Post Office Department.

Mr. ALLGOOD. Do you know what the policy of the Post Office Department is itself?

Mr. KELLY. It endeavors to have the man identified, but even at that postmasters are sometimes deluded into paying money orders on false pretense.

Mr. ALLGOOD. So it will not help the ordinary traveler?

Mr. KELLY. Well, the ordinary traveler will get an advanced payment from his home concern and go into the post office and get the money without the payment of this fee.

Mr. PATTERSON. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. PATTERSON. Can the gentleman assure us that there will be no effort, through this zeal to raise additional revenue by the Postmaster General, to charge an extra fee, if this bill is passed, at the post office on which it is issued?

Mr. KELLY. The Postmaster General can not do that without the action of Congress.

Mr. PATTERSON. I am glad that the gentleman takes that position. I had a great deal of confidence in the Post Office Committee before it brought in this other measure, but when this other measure was brought in—

Mr. KELLY. Oh, we have not degenerated so badly, I will say to my friend.

The CHAIRMAN. No one desiring recognition, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the act entitled "An act to regulate the payment of postal money orders," approved February 6, 1914 (38 Stat. 280; U. S. C., title 39, sec. 727), is amended to read as follows:

"That under such rules and regulations as the Postmaster General shall prescribe, postal money orders may be issued payable at any money-order post office, and on and after the date upon which such rules and regulations become effective all money orders shall be legally payable at any money-order post office, although drawn on a specified office; and as compensation for the extra labor involved in paying a money order at an office other than that on which the order is drawn the Postmaster General is authorized to exact an adequate fee; and that all laws or parts of laws in conflict herewith are hereby repealed."

With the following committee amendment:

Page 2, line 6, strike out the words "an adequate fee" and insert "a fee of the same amount as that charged for the issue of the order."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.



Mr. SANDERS of New York. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8568) to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. SANDERS of New York. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CLASSIFYING CERTAIN OFFICIAL MAIL MATTER

Mr. SANDERS of New York. Mr. Speaker, I call up House Joint Resolution 357, classifying certain official mail matter, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York calls up House Joint Resolution 357, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. This joint resolution is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 357, and the gentleman from Iowa [Mr. RAMSEYER] will kindly resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 357, with Mr. RAMSEYER in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read as follows:

#### House Joint Resolution 357

*Resolved, etc.,* That hereafter the limit of official matter mailed by any person having the franking privilege to his own address shall be the same as that for public documents.

Mr. SANDERS of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman, this measure is a resolution to make the present practice correspond with the law. It is a well-known fact that many Members of Congress in sending their official correspondence to their home offices after the adjournment of a session use the boxes furnished by the House itself and send them through the mails. That practice has been established and has been continued for many years. However, under the strict letter of the law the right to send over 4 pounds in official correspondence is prohibited. Public documents, which include any publications issued by any department, have no limit as to weight.

One of these trunks might be filled with these bulletins or books issued by a department, and there is no question about the legality of it. The committee thought we should make the practice square with the exact legal statement of the law, and therefore this bill simply classifies official mail matter on the same basis as public documents, giving it the same weight privilege. In other words, there will be no definite weight limit for strictly official correspondence mailed to his own address by a Member of Congress. You

will note that the bill provides that the privilege only operates to the Member who mails to his own address.

I can say that while the Post Office Department did not recommend this or bring it to us of its own motion, they assisted in framing this bill as it is written here, and I am certain no objection can be lodged against it, although naturally no recommendation is here in its favor.

I will be glad to answer any questions or ask for a reading of the bill.

Mr. BUSBY. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BUSBY. In the event a Member goes from Washington to his home after the short session of Congress and desires to transfer his files containing correspondence concerning his official business, what method or manner would the gentleman suggest he would use in transferring his files?

Mr. KELLY. He will do it under the operation of this resolution. He will simply put his frank tag on his official trunk containing his official correspondence.

Mr. BUSBY. That is not Government printed matter. It is ordinary correspondence that has come in as first-class mail.

Mr. KELLY. There is a meaning for "official correspondence" which is well known.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BLANTON. We are permitted to send telegrams on official business where matters are urgent, and I think it is a good privilege. It inures to the benefit of every one of our constituents. We are permitted to send regular mail under our franks for the benefit of our constituents. Why does not the gentleman's committee extend that privilege to air mail? There are occasions when we could send matter by air mail rather than by telegraph that would inure to the benefit of our constituents in emergency matters and on occasions when we could save much money over the cost by telegrams.

Mr. KELLY. I will say frankly to the gentleman from Texas that I would oppose an extension of the franking privilege to air mail.

Mr. BLANTON. I mean where it is marked "an emergency."

Mr. KELLY. Well, even that. Air mail is under a contract system and we are paying considerably more than the revenues we derive.

Mr. BLANTON. My idea was that in instances where we are now forced to send telegrams we could use air mail at much less cost to the Government.

Mr. KELLY. I would suggest a better plan of reaching it, and that is an appropriation of a certain amount of money to be used for air mail correspondence by Members of Congress. Then the money would be paid to contractors for carrying that air mail.

Mr. BLANTON. Well, it would be a saving to the Government.

Mr. KELLY. I agree that it would be.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. CHINDBLOM. Since there seems to be some misunderstanding of the extent of the use of the franking privilege, I think it would be well to say that that privilege is not extended to air mail, nor is it extended to special-delivery service nor to registered-mail service. In all of those special cases Members of Congress must pay and do pay the necessary fees.

Mr. KELLY. That is true, and the entire cost of the franking privilege is only about 0.1 of 1 per cent of postal expenditures, so that it is an infinitesimal amount.

Mr. CHINDBLOM. As a matter of fact, the franking privilege should be distinctly separated from the so-called penalty service.

Mr. KELLY. It is. It is so segregated in the report of the Postmaster General.

Mr. CHINDBLOM. The average amount of the franking service is a small part of the business of the Postal Department.



Mr. KELLY. And as a matter of fact the operation of this bill will not increase it.

Mr. ARENTZ. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. ARENTZ. Will it not be necessary for a Member of Congress to tell an untruth on the face of it if he sends his letter files through the mail? It says:

This measure makes it possible for him to send his files through classifying such official correspondence on the same basis as public documents and making it weigh no more than 4 pounds.

I do not believe we can do that. What is the use of incorporating in a law such proposals and conditions which will make a man tell an untruth, because I do not see how he can get around it unless he does.

Mr. KELLY. The gentleman is mistaken about that. A package can be sent to-day, legally, containing stationery and official correspondence to the weight of 4 pounds. This bill simply lifts the 4-pound limit up to the same basis as public documents. It does not propose to call official correspondence public documents.

Mr. ARENTZ. How could a public document weigh much more than a definite amount, such as 4 pounds, or 6 or 8 pounds?

Mr. KELLY. You can send 100 Agricultural Yearbooks in one package, and it is legal, but if you send more than 4 pounds of your office files you are running counter to the letter of the law.

Mr. ARENTZ. And this would make it possible to send your stationery through the mails in excess of 4 pounds?

Mr. KELLY. Yes; and to use the boxes furnished by the House itself for the convenience of the Members.

Mr. ARENTZ. The gentleman believes, then, under this provision, that a Member of Congress would not be caught up like he was last year by sending letterheads and envelopes under a frank to his home town?

Mr. KELLY. No; he would not, if it were official stationery for his use as a Member.

Mr. ARENTZ. Well, he was.

Mr. KELLY. Perhaps he was sending over 4 pounds.

Mr. ARENTZ. Then this bill provides that he can send more than that?

Mr. KELLY. That is true as concerns official matter.

Mr. DALLINGER. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. DALLINGER. Has there been any interpretation of the phrase "official matter"?

Mr. KELLY. Yes. That has been held to mean stationery and correspondence constituting the official files of a Member of Congress.

Mr. ARENTZ. I like to believe that everything said here is perfectly frank, but I find this language in the report:

A package containing stationery and correspondence constituting the official files of a Member of Congress, addressed to himself, to be mailable under frank must not exceed 4 pounds in weight.

Mr. KELLY. That is exactly what I told the gentleman, as frankly as I could make it.

Mr. ARENTZ. You now make it so that such a package may exceed 4 pounds in weight.

Mr. KELLY. Yes. I hope the gentleman will not say that I was not frank with him.

Mr. ARENTZ. I do not say that; but the report does not show that this legislation changes the situation so that such a package may weigh more than 4 pounds.

Mr. KELLY. Why, the entire purpose of this legislation is to bring the stationery and correspondence constituting the official files of a Member of Congress in the same position as public documents, and there is no weight limit on public documents.

Mr. ARENTZ. So that they will be frankable?

Mr. KELLY. Yes; that is exactly what I stated to the gentleman.

Mr. DALLINGER. What is the present law in regard to public documents?

Mr. KELLY. I will say to the gentleman that at present there is no weight limit whatever. In other words, you can send 100 pounds of Agricultural Yearbooks in a bag to

your own address or any other address and there is absolutely nothing contrary to law or regulation, but if you go over 4 pounds on the official files in your office in sending them to your own address you run counter to the present requirements.

Mr. EATON of Colorado. Will the gentleman yield further?

Mr. KELLY. Yes.

Mr. EATON of Colorado. I want to ask particularly in regard to blank letterheads. Suppose you order 1,000 letterheads and send them to your office in Pennsylvania. Will the language of this bill permit those letterheads to be franked in a package?

Mr. KELLY. The definition of official matter covers stationery and correspondence.

Mr. EATON of Colorado. Where is that definition to be found?

Mr. KELLY. That is to be found in the regulations, and I have it in a letter from the Clerk of the House, Mr. Page, who urgently urged the passage of this resolution on the ground of the convenience it would afford to the Clerk's office. His statement is that stationery and official files are included in the definition of official matter. We took him into conference, as well as officials of the Post Office Department, on this measure.

Mr. EATON of Colorado. Does not the gentleman know that they have a rule in that office which prohibits the sending of 1,000 envelopes in a package to a Congressman's home address but that they must be sent by express and do not come under the franking privilege?

Mr. KELLY. I imagine that is on account of the present situation. This will change that; it will take the weight limit off and make official matter the same as public documents.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read the joint resolution for amendment.

Mr. SANDERS of New York. Mr. Chairman, I move that the committee do now rise and report the joint resolution back to the House with the recommendation that the joint resolution do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 357, classifying certain official mail matter, and had directed him to report the same back to the House with the recommendation that the same do pass.

Mr. SANDERS of New York. Mr. Speaker, I move the previous question on the joint resolution to final passage.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 70, noes 0.

So the joint resolution was passed.

On motion of Mr. SANDERS of New York, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 9]

Abernethy	Bell	Brunner	Celler
Arnold	Blackburn	Buckbee	Chase
Auf der Heide	Bohn	Canfield	Clancy
Bacharach	Britten	Carley	Clark, N. C.
Bacon	Browne	Carter, Wyo.	Colton



Connery	Hale	McSwain	Sloan
Cooke	Hall, Ill.	Mead	Somers, N. Y.
Craddock	Hoffman	Michaelson	Steagall
Davis	Hopkins	Newhall	Stevenson
Dempsey	Hudspeth	Niedringhaus	Stobbs
De Priest	Hull, Morton D.	Nolan	Sullivan, N. Y.
Dickstein	Hull, William E.	Norton	Sullivan, Pa.
Dorsey	Johnson, Ill.	O'Connor, La.	Sumners, Tex.
Douglas, Ariz.	Johnson, Ind.	O'Connor, Okla.	Swanson
Douglass, Mass.	Johnson, Nebr.	Owen	Taylor, Tenn.
Doutrich	Johnson, Wash.	Palmer	Thompson
Doxey	Johnston, Mo.	Perkins	Underhill
Doyle	Kearns	Pou	Underwood
Drewry	Kemp	Pritchard	Vinson, Ga.
Dunbar	Kennedy	Purnell	Walker
Edwards	Kiefner	Ramey, Frank M.	Williams, Tex.
Eslick	Langley	Reld, Ill.	Wolfenden
Fish	Lindsay	Reilly	Woodrum, Va.
Garber, Va.	Lozier	Rowbottom	Wright
Gasque	McCormack, Mass.	Sears	Zihlman
Gavagan	McCormick, Ill.	Seiberling	
Golder	McLeod	Short	
Griffin	McMillan	Sirovich	

The SPEAKER. Three hundred and twenty-two Members are present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

#### ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, this is Calendar Wednesday, and the committee which was on call to-day has finished its work for the day. I should like to see the remainder of the day utilized in consideration of the deficiency bill. Therefore I ask unanimous consent that further Calendar Wednesday business for to-day be dispensed with.

Mr. BLACK. Mr. Speaker, I object.

Mr. TILSON. Mr. Speaker, I move that Calendar Wednesday business for the remainder of the day be dispensed with.

The question was taken; and two-thirds having voted in favor thereof, further Calendar Wednesday business was dispensed with.

#### THE DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes.

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 265, noes 6.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15592, with Mr. LEAVITT in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

#### BUREAU OF PROHIBITION

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of Prohibition, including the same objects specified under the Bureau of Prohibition in the act making appropriations for the Treasury Department for the fiscal year 1931, \$543,370, of which amount not exceeding \$10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other expenses in connection therewith, and not exceeding \$25,000 may be expended for stationery and office supplies: *Provided*, That expenditures for personal services in the District of Columbia for the Bureau of Prohibition during the fiscal year 1931 shall not exceed \$319,061.

Mr. O'CONNOR of New York. Mr. Chairman, I make a point of order against the language contained in lines 16 to 21, providing \$10,000 for propaganda purposes, as not being authorized by law.

Mr. WOOD. Mr. Chairman, I did not hear the lines to which the gentleman's point of order referred.

Mr. O'CONNOR of New York. Mr. Chairman, I make a point of order against the language beginning with the word "not," in line 17, on page 8, and ending with the word "and," in line 21, providing \$10,000 for propaganda purposes, on the ground that such an appropriation is not authorized by law.

Mr. WOOD. Mr. Chairman, I will say to the gentleman and to the committee that if the gentleman insists upon it there is no question but what this is subject to a point of order.

Mr. LA GUARDIA. Mr. Chairman, I make a point of order against the whole paragraph.

Mr. WOOD. The whole paragraph is not subject to a point of order.

The CHAIRMAN. The gentleman from New York [Mr. LA GUARDIA] makes a point of order against the entire paragraph. The gentleman from New York [Mr. O'CONNOR] makes a point of order against that part of the paragraph beginning with the word "not," in line 17, and ending with the word "and," in line 21, but may withdraw in favor of the point raised by Mr. LA GUARDIA. If the point of order is then found to be good against any part of the paragraph, the entire paragraph will go out on the point of order made by the gentleman from New York [Mr. LA GUARDIA]. Does the gentleman from Indiana [Mr. WOOD] desire to be heard on the point of order?

Mr. WOOD. Mr. Chairman—

Mr. LA GUARDIA. Mr. Chairman, I desire to be heard on my point of order.

Mr. CRAMTON. Mr. Chairman, there are two points of order pending, the first one by the gentleman from New York is to a portion of the paragraph and the second one by another gentleman from New York [Mr. LA GUARDIA] is to the entire paragraph. If the Chair would permit the suggestion, the Chair might rule first on the first point of order made and then take up the second one.

Mr. LA GUARDIA. Oh, no.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. Would it be in order for me to amend my point of order, it having first been made, applying it to the whole paragraph?

Mr. CRAMTON. I will call the attention of the Chair to the fact that the chairman of the committee has already conceded the point of order made by the gentleman from New York [Mr. O'CONNOR] as good. If the Chair will rule upon that, then the question will come upon the point of order made by the gentleman from New York [Mr. LA GUARDIA].

The CHAIRMAN. The Chair will state to the gentleman from Michigan that the Chair has not yet ruled on the point of order.

Mr. O'CONNOR of New York. Mr. Chairman, I amend my point of order and make it to the whole paragraph.

Mr. BLANTON. Mr. Chairman, I make the point of order the gentleman can not do that.

Mr. LA GUARDIA. Then I press my point of order on the whole paragraph.

Mr. BLANTON. I make the point of order that that comes too late.

The CHAIRMAN. The point of order has not yet been acted upon. The Chair is ready to rule on the second point of order. The Chair sustains the point of order, and the paragraph goes out.

Mr. WOOD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 8, after line 10, insert:

#### "BUREAU OF PROHIBITION:

"Salaries and expenses: For an additional amount for salaries and expenses, Bureau of Prohibition, including the same objects specified under the Bureau of Prohibition in the act making appropriations for the Treasury Department for the fiscal year 1931, \$543,370, of which amount not exceeding \$25,000 may be expended for stationery and office supplies: *Provided*, That expenditures for personal services in the District of Columbia for the Bureau of Prohibition during the fiscal year 1931 shall not exceed \$319,061."

Mr. LA GUARDIA. Mr. Chairman, I have an amendment to the committee amendment.



The CHAIRMAN. The gentleman from Indiana is entitled to recognition if he desires it.

Mr. LaGUARDIA. Certainly.

Mr. WOOD. I do not care to say anything on the amendment.

The CHAIRMAN. The gentleman from New York [Mr. LaGUARDIA] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA to the amendment offered by Mr. WOOD: At the end of the Wood amendment, after the figures "\$319,061" insert "Provided, That no money herein appropriated shall be used to pay any regular or special employee for educational work in connection with the collection and dissemination of information and appeal for prohibition observance and prohibition law enforcement."

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I was under the impression—

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment.

Mr. STAFFORD. Oh, the gentleman from Texas a moment ago claimed that a point of order came too late. His point of order comes too late.

Mr. BLANTON. I am making the point of order before there is any argument.

The CHAIRMAN. The gentleman from Maryland has been recognized and debate has started. The point of order comes too late.

Mr. LINTHICUM. Mr. Chairman, I understood that the gentleman from Indiana in his amendment eliminated the \$10,000. That would leave \$309,000 instead of \$319,000 as read by the Clerk.

Mr. WOOD. That does not change the total.

The CHAIRMAN. The amendment read by the Clerk is exactly as presented by the gentleman from Indiana. The gentleman from New York [Mr. LaGUARDIA] is recognized for five minutes.

Mr. LaGUARDIA. Mr. Chairman, I call the attention of the House to the fact that by a point of order the language originally contained in the paragraph for this so-called propaganda was stricken out, but I also call attention to the fact that the Prohibition Bureau, regardless of the provisos in the language, has been hiring unemployed people around the country to go about making speeches, telling people to please observe prohibition. I have just been informed by the comptroller, and I give this as an illustration of how some of this money is expended, that a former Member of this House who was defeated, I think, in a primary, was employed for a period of six months at \$10 a day with \$5 a day expenses to go around and tell the people of the country what a good thing prohibition is.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Not just now. From January 23 to June 30, 1930, he received \$1,166.98 for expenses, and \$1,590 for pay at \$10 a day.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BLANTON. Is not our former good friend from Massachusetts, Mr. Winslow, employed on the Mediation Board for the railroads, and is not our former friend, Eugene Black, of Texas, employed now as a judge? What is to keep former Congressmen from being employed?

Mr. LaGUARDIA. Mr. Winslow and Mr. Black are rendering useful and necessary service, and the gentleman I refer to is Mr. William D. Upshaw, and I say that public funds should not be wasted in this way.

Besides that, the Prohibition Bureau employed a 16-year-old boy and gave him a pay-roll job, because the boy happened to be the son of a prominent lady in the Anti-Saloon League movement. I think she comes from the State of my distinguished friend, Mr. LINTHICUM—a Mrs. Nicholson.

Mr. LINTHICUM. Yes; but she does not come from my city. [Laughter.]

Mr. LaGUARDIA. Mrs. Nicholson's boy was employed and paid out of this money appropriated. Besides that, the

Prohibition Bureau issued a pamphlet, for which they spent \$1,700, which is replete with misstatements and misquotations, to which I have already called the attention of the Attorney General. In one instance the author of it purports to quote from a report of a factory in respect to the attendance on Monday morning, and purposely leaves out a paragraph that says that the better attendance on Monday is due to improved labor conditions and not to prohibition. With the permission of the House I will quote from that letter to the Attorney General, which gives an idea of the misrepresentations made by the Prohibition Bureau and printed and circulated at public expense:

DECEMBER 13, 1930.

HON. WILLIAM D. MITCHELL,  
Attorney General of the United States,  
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: I beg to call your attention to a recent official publication issued by the Bureau of Prohibition entitled "The Value of Law Observance" and to request its immediate suppression. This book would have no importance were it not for the fact that on the cover it bears the legend "The Department of Justice" and on the title page a facsimile of the seal of the great Department of Justice. This gives it an authority which its contents do not warrant. Surely, the good name of the Department of Justice and the good faith of the United States Government can not be used to indorse a stupid compilation of distorted facts written in poor English containing misrepresentation and willful misstatements for propaganda purposes.

To be specific, on page 11 this statement appears:

"A table that shows the trend in one large industry, namely, that of a large manufacturer of powder in the State of Delaware, that absenteeism on Monday has decreased materially in the last 25 years is given:

Disappearance of "Blue Monday"

Day	Per cent absent			
	1907	1913	1924	1929
Monday.....	7.41	6.17	3.66	2.35
Tuesday.....	6.89	5.22	2.86	2.10
Wednesday.....	5.77	5.49	2.90	2.15
Thursday.....	5.68	5.06	2.37	2.01
Friday.....	5.38	5.05	2.10	1.89
Saturday.....	6.94	6.59	3.93	2.95
Average for week.....	6.35	5.59	2.96	2.24

The above statement and tabulation are taken from page 210 of a book entitled "Prohibition, Its Economic and Industrial Aspects," by Herman Feldman. Part of the same paragraph and explanation of the table are purposely omitted from the department's pamphlet. The omitted part says:

"The company explains: 'You will note that the absenteeism has become less and less in subsequent years. We feel that the improvement in attendance is more due to improvement in labor than to any influence from the prohibition amendment.'"

Any lawyer purposely omitting part of a quotation cited in a brief, thereby changing its very meaning, would have his entire brief thrown out by the court.

Another glaring piece of deception may be found on page 14, under the title "Has Prohibition Been Harmful to the Farm Producer," which reads:

"From the point of view of a nation-wide survey of agricultural products it may be pointed out that the production of grapes from 1917 to 1926 has increased 40 per cent; the production of corn sugar and molasses has increased fully 100 per cent; and while the benefits derived from these raw products have come to different sections of the country, nevertheless the industry, viewed as a whole, does not seem to have lost in its total monetary production during the last decade."

Here the Prohibition Bureau seeks to make it appear that the increase in corn sugar and molasses and grapes due to prohibition was consumed for legitimate purposes. The increase was due to prohibition, but used for the unlawful manufacture of alcohol. The same Bureau of Prohibition is the authority for this statement. In another publication, Possible Production of Illegal Liquor, the bureau shows that no less than 45,900,000 gallons of 100-proof alcohol might have been illegally manufactured annually from corn sugar. On page 20 of this latter publication it is shown that 4,000,000 gallons of 100-proof alcohol, the bureau believes, was made from molasses, corn meal, and other grain, in addition to the 10,000,000 gallons of alcohol the bureau "believes to have been manufactured from cane or beet sugar." But, Mr. Attorney General, note this significant statement appearing on page 17 of the bureau's publication entitled "Possible Production of Illegal Liquor": "On the other hand, the cost of producing alcohol from cane sugar is greater, so that with corn sugar still available for illicit purposes violators have chosen the cheaper product." This is where the increase of corn sugar is going, but not mentioned in Law Observance.



Now, as to grapes, while in the Law Observance pamphlet it appears that the grape industry has increased 400 per cent because the American people are observing the law and eating jelly, on page 35 of the other publication of the same department it is stated that "the quantity of alcohol in homemade wine is estimated to average 12 per cent. On this basis the absolute alcoholic content would amount to 14,185,436 gallons for the fiscal year ending June 30, 1930." This alcoholic content is based on a possible production of wine from the available grapes to the extent of 118,320,300 gallons for the year quoted by the bureau. This is where the 400 per cent increase of grapes is going—silence on this in Law Observance.

On page 25 of the Law Observance factual monograph there is a paragraph on Inebriety in America, which reads:

"Prior to the passage of laws prohibiting the unlimited use of alcohol in any State, the States tacitly licensed inebriety and drunkenness. Under the laws existing in the United States before prohibition, a man had a right to become a drunkard and remain one, and the State had, therefore, its duty of taking care of him. The theory underlying the law is that an individual has no inherent right to interfere with the orderly development of the complex society in which he lives."

This startling statement attempting to convey the information as a matter of fact that inebriety is decreasing, is brazenly made in the face of actual conditions right in the city of Washington under the nose of the Bureau of Prohibition. Here are the figures:

*Arrests for drunkenness in the city of Washington*

Prior to prohibition:

1914	8,837
1915	9,751
1916	9,394
1917	9,648
1918	6,896
1919	6,793

After prohibition:

1925	10,571
1926	12,907
1927	13,375
1928	13,796
1929	13,942
1930	14,409

On page 32 of Law Observance there appears this statement:

"It is stated by students of criminology that alcoholism is responsible for 80 per cent of the antisocial propensities that make necessary jails and correctional institutions."

If that is so, then why has it been necessary for Congress to provide since prohibition for the building of additional penitentiaries, additional detention jails, and additional correctional institutions? The paragraph fails to state that prohibition has not cured the evils of alcoholism, because the figures of the Department of Justice will show increased criminality, increased prison population, and increased violations of law since prohibition. Is such a misleading statement proper in a "law observance" monograph?

Several pages are devoted to quotations from newspapers published in 1890, 1892, and 1898 on the speak-easies of those periods. Not a word is said about the speak-easies that are now flourishing and doing business. Does "law observance" attempt to imply that there are no speak-easies to-day? There is a chapter on "Typhoid Mary," and one on "Vaccination" and "Pure Food," but the relevancy of these subjects to prohibition is not made clear. Perhaps it was a desperate attempt to conceal the total breakdown of prohibition by emphasizing the efficiency of the United States Public Health Service.

Permit me to call your attention to the paragraph marked "Conclusion." Here is a gratuitous insult to the great States of New York, New Jersey, and Maryland. The paragraph reads:

"In observing the reaction of the national prohibition act, which is naturally emphasized, the only basis for a sane appreciation of the effects of this law is a study of what it has accomplished in the country at large. Not in New Jersey, Maryland, and New York alone but in the home, the school, upon the youth of the land, in industry, and its sociological aspects."

The figures in the Prohibition Bureau will show that just as much liquor is consumed per capita in any other State of the Union as in the States singled out in this publication. While on the other hand, young people in schools have been debauched by reason of prohibition as much in one State as in any other.

I am informed that over 50,000 copies of this pamphlet, the Value of Law Observance have been printed at the cost of \$1,800. This is a waste of public funds. Owing to the misleading statements, willful misrepresentations, and misquotations in this pamphlet, I respectfully request that same be withdrawn from circulation.

I can not imagine a worse example of misrepresentation of facts and waste of public funds.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment. Just before the gentleman from Indiana [Mr. Wood] moved to go into Committee of the Whole House on the state of the Union for further consideration of the deficiency appropriation bill, the distinguished gentleman from Maryland [Mr. LINTHICUM], who is the leader of the

wet forces of the country on the floor of this House, made a point of no quorum to get the membership over here. He did it merely to get his wet forces on the floor and have them vote on the question, I take it, as to the sentiment of the wets on not taking this item up in this bill. On whether we would go into the Committee of the Whole, he forced a division vote, and there were only six votes on the floor of this House which the distinguished wet leader of the House could muster to back him up in that proposition.

Mr. BLACK. And those were six who admit they are wet.

Mr. BLANTON. And if you were to bring up any prohibition question here, it is well known to the membership of this House that the wets can not muster over 67 votes under any circumstances. So why just keep on raising this question? Is that the way to repeal the eighteenth amendment, which is their object? Is that the way for the wet leader, the gentleman from Maryland [Mr. LINTHICUM], and the gentleman from Wisconsin [Mr. SCHAFER] and the gentleman from New York [Mr. BLACK] to get their beer back? And when I say that I mean no reflection on the gentleman from Maryland [Mr. LINTHICUM], because in practice there is no drier man in the House. He lives dry. He does not drink himself, but is the leader for the wets here, to force drink on the other people of the country. If we are going to give the President the power and authority to enforce the law, and that burden is upon him by the Constitution, why not give him everything he needs to enforce it; why give him just the Coast Guard and a few antiquated cutters and a little money?

Mr. LAGUARDIA. What about the Army and the Navy?

Mr. BLANTON. I am in favor of giving the President of the United States everything he needs to enforce the law. I am in favor, if he needs them, of giving him the Army and the Navy and marines and all the resources of the United States Government as well as the Coast Guard and money, and let the lawbreakers understand that the President of the United States in the White House means business, and that he is going to enforce the law. Your Republican President got the support and votes of practically every preacher in my State in 1928 because they believed that he was a law enforcer. They carried Texas, a rock-ribbed Democratic State, for the first time in its history for a Republican President on the sole issue that he would enforce the law. [Applause.]

If you want him to mean business; if you want him to keep faith with the people of the country; if you want him to keep faith with the Texas people, give him the means of enforcing the law.

Mr. SCHAFER of Wisconsin. Did the gentleman from Texas oppose Mr. Hoover in the campaign because he was going to enforce the law?

Mr. BLANTON. I am a Democrat and I support my party. The preachers of my State were ignorant of the facts about Mr. Hoover. I knew he would not enforce it. I have a letter from a prominent citizen of Wisconsin that I would like to put in the RECORD. I would like for the gentleman from Milwaukee [Mr. SCHAFER] to read the letter and he will find out that there is a sentiment back in the State of Wisconsin that stands behind the Constitution and enforcement of the prohibition laws.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask leave to revise and extend my remarks and to put in a letter from this citizen of Wisconsin.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SCHAFER of Wisconsin. Reserving the right to object, can the gentleman assure the House that the letter is not from a highjacker, a rumrunner, or a bootlegger, who does not desire a change in the prohibition laws?

Mr. BLANTON. Yes; and I will not mention any names quoted in it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.



The letter is as follows:

HON. THOMAS L. BLANTON,  
Washington, D. C.

BOSCOBEL, WIS., January 5, 1931.

DEAR SIR: Your idea in granting more power to President Hoover for the enforcement of the dry law is a good one, and I am with you.

Wisconsin is in bad shape, because the dry law was abolished by the State, and we should therefore have more Federal help.

\* \* \* Most violators of the law are guests, not prisoners, and they receive no punishment. They now do not fear the law. There should be a fine of \$500 and 500 days at hard labor for the first offense, and then double it for each successive offense. Now, a few little bootleggers are taken, but the big ones are never touched. This is not enforcement. Who are the boozers that they should be protected? And who are the people who tolerate them?

I can't see why any Senator, Congressman, governor, or any other officer, or newspaper, can be allowed to shield criminals. We should stop this foreign immigration who are not in sympathy with our laws. We want to check up on these undesirables smuggled in, and send them back home. They are making every kind of an excuse to do away with the dry laws. They should be strongly enforced to the letter.

Yours truly,

JOHN ROUNDS.

Mr. BLANTON. Mr. Speaker, I wish that the distinguished gentleman from Maryland [Mr. LINTHICUM] and his wet cohorts would read all of the many letters I received on this subject in this morning's mail. I received one from Mr. M. V. Vantine, whose address is seventh floor, 1816 South Figueroa Street, Los Angeles, Calif., recommending that "all forces should aid in enforcing the law." Another came from Mrs. J. E. Stevens, of 451 Hickory Street, Waukegan, Ill., hoping that Congress will have courage, power, and strength to fight back this organized liquor sentiment and deal it a blow that will stop it. Another came from Mr. Amos A. Pletcher, of Oxford, Ind., stating that the sentiment in favor of the eighteenth amendment has a big majority in his section and that Congress must not let the lawless element run this Government, else conditions now existing in Chicago and New York will be prevalent all over the United States, and that he is backing his Representative in providing for strict law enforcement.

I am constrained to believe that it is the purpose and intent of the organized "wets" of this House to raise this question continually on the floor and to keep the subject agitated in the wet press of the country and to keep the CONGRESSIONAL RECORD filled with wet orations, thinking that it will influence and manufacture wet sentiment over the United States.

I am one of the many so-called "drys" of this House who is going to mix it with them on this speech making. During the eight years I served on the circuit bench, at a time when open saloons were in practically every State, I tried just about as many criminals produced by the liquor traffic as are now being tried in that district for violating prohibition laws. Conditions now are far preferable to conditions then. Surely it is a strange sort of a citizen who would go back to the days of the open saloon. And we would all be headed that way were the eighteenth amendment repealed. Who would take such a backward step?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 43, noes 145.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Page 8, after the figures \$319,061, line 25, following the amendment offered by Mr. WOOD, insert: "Provided, That no part of said money shall be expended in the establishment of any speak-easy, pool room, or other means for the entrapment of any person to violate the Volstead Act or the eighteenth amendment."

Mr. BLANTON. Mr. Chairman, I make the point of order that that interferes with the discretion that is given executive officers by the amendment of the gentleman from

Indiana and requires an investigation on the part of the executive department as to what is a speak-easy.

Mr. LINTHICUM. It is on all fours with the amendment with reference to poisonous liquor which was sustained by the Chair.

The CHAIRMAN. In the opinion of the Chair this is a negative limitation and not subject to the point of order. The point of order is overruled.

Mr. LINTHICUM. Mr. Chairman, as usual, the gentleman from Texas was all wrong to-day. The gentleman from Texas intimated that I made the point of no quorum to take up this question and vote against it. The truth is I found that the House was doing business with only about 73 Members, and I thought that out of 435 there ought to be more than 73 when a question of this importance was coming before the House.

I therefore made the point of no quorum, with the splendid result that we have the Chamber filled with Members interested in this question, both for and against it.

As to my amendment, I spoke before the committee on yesterday, in which I said that speak-easy had been established in Indianapolis, Ind., and that 18 policemen had been inveigled into this speak-easy established by the National Government. I read into the RECORD a letter from my Maryland friend, Col. Amos W. Woodcock, Director of the Bureau of Prohibition, in which he admitted that he had paid the rent for the property in which the "speak-easy" had been established.

This matter went to the Baltimore Sun, and, the Baltimore Sun being very meticulous in what it does, and being one of the finest newspapers of the country, wired to Indianapolis to find out whether this was absolutely true, and this is the information they received.

#### UNITED STATES AGENTS ADMITTED HAVING SUPERVISED PLACE

INDIANAPOLIS, January 6.—The reference in the House to-day by Representative LINTHICUM, Democrat, Maryland, to a Government-owned "speak-easy" in Indianapolis, recalled a Federal court trial here last month, at which Federal agents testified they had supervised the operation of a liquor-selling establishment in order to obtain evidence.

The agents who testified that Government money had been used in setting up the "speak-easy" were Herman P. Kroencke, Hugh T. McGrath, and Smith Wilson, a negro, all of Chicago. They said they were assisted by Horace E. Lyle, a negro, investigator for James M. Ogden, attorney general of Indiana.

Judge Robert C. Baltzell, during the trial and in imposing sentence on those convicted, criticized the methods of the Government agents, saying that their operations smacked of entrapment.

My amendment simply provides that you prevent any part of this money being used by the United States Government in setting up speak-easies, pool rooms, or other devices intended to entrap citizens, whether they be police officers or not. It is intended to prevent establishing such devices to entrap citizens of the United States and then having the men who were conducting the speak-easies for the Government appear against them at the trial.

Now, it is up to you. I am not going to argue the question any further. It was up to you before about the poison-liquor question. That has now been eliminated. It is up to you whether you want this Government to adopt this plan. How can you expect foreigners who come to this country to respect our country and its institutions if you are going to commit the Government to such practices as this?

I ask you to determine whether you want the Government to continue it; whether you want any part of this money used for such purposes. It is entirely up to you.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. LINTHICUM] to the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 54, noes 106.

So the amendment to the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana [Mr. WOOD].



The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] offers an amendment to the amendment offered by the gentleman from Illinois [Mr. Wood], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH to the amendment offered by Mr. Wood: On page 8, line 16, strike out the figures "\$543,370" and insert in lieu thereof "\$250,000."

Mr. SABATH. Mr. Chairman, ladies, and gentlemen, I notice in this appropriation we are asked to provide for 257 additional persons to be used in the field. I believe that that money is unnecessary and will be wasted.

The gentleman from Texas [Mr. BLANTON], who addressed the House a few minutes ago, can not forget the 1928 election. He does not realize that the people during that campaign were misled, were made to believe that they were voting for prosperity and for real possible enforcement of prohibition. Since that time there has been an election during which the question of prohibition was made an issue in all of the larger States. In my own State, the State of Illinois, the Republican lady candidate tried in every way to evade the issue, despite the fact that the Republicans, believing it would be beneficial to them, submitted the proposition to the vote of the people by referendum.

It seems to me the gentleman from Texas [Mr. BLANTON] has not been informed of the result of that vote. For the first time in history, the State of Illinois, a Republican, dry State, having experience and knowledge of what prohibition has done to America, voted for a wet candidate for United States Senator and elected him by a majority of nearly 750,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. SABATH. I yield for a question.

Mr. CRAMTON. Did the gentleman note the election of the gentleman from Illinois, Governor YATES?

Mr. SABATH. If the gentleman will give me more time I will be delighted to take up the question as to Governor YATES.

On the question of prohibition the people have voted from 2 to 1, to 10 to 1 to repeal the eighteenth amendment and the Volstead Act.

Not only in my State but in the Speaker's State that question was submitted to the people, and a real, sincere wet has carried that State. In the States of New York, New Jersey, and Massachusetts, as well as in other States, the same thing occurred. By the way, the gentleman who rose comes from the State of Michigan, and he should know by a sad experience that that question has been raised in his State. I think the gentleman's colleague, his assistant dry leader, whom we heard often on this floor, will remember that election, as even in that State some of the outstanding leaders of prohibition have been defeated by tremendous majorities.

Now, Mr. Chairman, ladies, and gentlemen, wishing to comply with the mandate of the people of my State and of a majority of the people of the United States, I can no longer vote the people's money and the taxpayers' money for the purpose of supplying means to the professional prohibitionists, who are trying to create a few more positions for their favorites, knowing that the law can not be enforced and that the money will be needlessly expended or wasted.

Mr. BLANTON. Will the gentleman yield?

Mr. SABATH. I yield for a question, but not for an argument.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. SABATH] be allowed to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. The gentleman referred to Illinois. Is it not a fact that the State of Illinois gave Governor YATES a big majority, and has given him a majority of nearly a million votes, when it was known he was an ardent dry and has always been a dry? [Applause.]

Mr. SABATH. Are you dries through with the applause? You better be, because the facts I will give you will not be so pleasing.

Again, as usual, my friend from Texas [Mr. BLANTON] is wrong. It was believed and reported on the night of the election, and even the next day after the election, and the newspapers so stated, that Governor YATES was defeated; but he was found to be elected on the third day after the election, by a very small majority. It was not by a million but by a small vote.

Mr. WOOD. Twenty-seven thousand.

Mr. SABATH. The final figures might have been 27,000 votes. But, mind you, our colleague ex-Governor YATES comes from old, respectable stock. The name of Yates is revered by every man and woman in our State. [Applause.] It was his name, aside from and notwithstanding his record on prohibition, that pulled him through. Had he been right on the question of prohibition he would have carried the State by the million the gentleman believed he carried it by.

Mr. BLANTON. Will the gentleman yield for one other question?

Mr. SABATH. Yes.

Mr. BLANTON. Is it not a fact that in the last election in which he ran before his death Hon. Henry Rathbone, who was an ardent dry, carried the State of Illinois by nearly a million votes?

Mr. SABATH. We know all about our former colleagues. Rathbone was victorious in 1928, but if he had been a candidate on the dry Republican platform of 1930 he would have suffered the same fate as did the lady candidate for Senator. The conditions in 1930 were different from those of 1928. The people now are better informed, and they will not be fooled in the future. They will continue to demand the repeal of the eighteenth amendment, and while that is pending they will insist and demand the repeal or, at least, the modification of the Volstead Act. It matters not how often you arise in your seat here or how many letters you may get from these professional prohibitionists, you can not arrest the persistent demand of the people of this country to eliminate and eradicate the crime-breeding—yes, the infamous—law that has been forced upon the people against their wish and against their will.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SABATH. I yield to my colleague.

Mr. LINTHICUM. The gentleman from Texas a while ago was bragging very strongly about the President carrying Texas.

Mr. BLANTON. No; I was ashamed of it.

Mr. LINTHICUM. I would like to ask whether the President would carry Texas to-day?

Mr. SABATH. That thing is well known to the gentleman from Texas; and notwithstanding the fact that he likes to be contrary, that is one thing he will have to admit, that a Republican has no longer any chance in Texas or in any other section of the country, because the people demand an honest and efficient Democratic administration that will again secure prosperity for the Nation, as it did under Woodrow Wilson, and once again secure a liberal, humane government in all of the States of our Nation. [Applause.]

I am going to expect in the future not only the cooperation of 67 gentlemen, as the gentleman has pointed out, but the cooperation of about 167 in the next House; and I assure you, Colleague BLANTON, the representative and leader of the dries—

Mr. BLANTON. I only speak for myself, and the people I represent.

Mr. SABATH. I can well understand the underlying reason for your refusal to assume the leadership of prohibition. You undoubtedly foresee that the 1930 election was the forerunner of what will occur in the presidential election in 1932; and I therefore invite you—yes; I invite all of you gentlemen—to join with me in that great popular movement to restore to the people and to the States their rights and personal liberties of which they have been deprived by



the prohibition law; as by this time, you must well realize, that the noble experiment has failed.

Regardless of what you or other prohibition leaders may say, I am convinced that the will of the people—as expressed in the last election, not only in the States I have mentioned, but in all other States where the question has been submitted—will prevail. The senatorial election in Illinois clearly indicates that the people will not be hoodwinked or misled. In their efforts to becloud the issue, fool the people, and aid the lady candidate, the prohibition Republicans and astute chieftains submitted the question to a referendum. The clever candidate, with her well-organized group of capable managers adroitly endeavored to side-step the prohibition question, but fortunately, the chivalrous Democratic wet candidate, Hon James Hamilton Lewis, refused to follow the lady's method; and try, hard as she did, she could not persuade him from the outstanding and all-important issue—prohibition.

Mr. Chairman, ladies, and gentlemen, for nearly 11 years Congress has permitted itself to be dictated to by a small but shrewd, clever, and cunning group of prohibition preachers and professional prohibition beneficiaries.

However, the people of the country have begun to resent this domination and demand the repeal, or at least the modification of the present prohibition law, and refuse any longer to follow the selfish, fanatical prohibition leaders.

The majority of the people recognize that prohibition has been a destructive, crime-breeding law and force. As I have pointed out, in every State where the question has been directly submitted to a vote, the people, by a great majority, voted for the repeal, not only of the Volstead Act but of the eighteenth amendment as well.

Not only the States I have mentioned but other States as well demand a change of the intolerable conditions that have developed under the prohibition law. They demand, and justly so, that law, order, and safety be again restored, and that the racketeers and bootleggers—the only people prosperous under prohibition—be put out of business, and that racketeering and bootlegging cease so that public officials will no longer be influenced by the powerful combination, the Anti-Saloon League on the one hand and the rich bootlegger on the other.

Mr. Chairman, ladies, and gentlemen, not only where the question has been submitted officially to the people have they voted for the repeal of the prohibition law, but wherever submitted to a referendum—whether to the bar association, the medical groups, universities, colleges, commercial, and other organizations—in every instance the vote was from 2 to 10 for the repeal of this unscrupulously forced upon the Nation prohibition law.

For that reason, I shall henceforth refuse to increase the number of so-called prohibition agents, who are in reality high-life seeking snoopers; yes, adventurous murderers.

It is amazing how the administration disregards the demands of the majority of the people and continues to be controlled and dictated to by that small group of fanatical and professional beneficiaries, organized under the title of Anti-Saloon League and Law Enforcement League—which organizations have been able to fill the prohibition offices with their hangers-on, and have even been able to obtain the appointments of judges and officials of the court; and who now, in this bill, demand 257 additional places. And from present indications in this House, they will not only secure this number, but if desirous and unashamed to ask, would receive 10 times that number; and this, notwithstanding the fact that the money could be utilized to relieve the unfortunate millions now out of employment.

I regret that there is still a majority in this House, who, although otherwise well-meaning men, permit themselves, like the President and the administration, to be governed and controlled—yes, “bunked”—by this prohibitionist group.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. WOOD. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 100, noes 41.

So the motion was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Illinois to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment to the amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin to the amendment offered by Mr. WOOD: At the end of the amendment insert “Provided further, That no part of this appropriation shall be spent for salaries or expenses of any Government employee who taps any telephone or telegraph wires.”

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Indiana.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. I understood the motion of the gentleman from Indiana to apply to the amendment then pending to his amendment.

The CHAIRMAN. The Chair understood the motion—and so put it—to apply to the amendment offered by the gentleman from Indiana and all amendments thereto. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 118, noes 36.

So the amendment was agreed to.

The Clerk read as follows:

#### JUDICIAL

Salaries and expenses of commissioners, Court of Claims: For an additional amount for salaries and expenses, commissioners, Court of Claims, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, and as authorized by the act approved June 23, 1930 (46 Stat., p. 799), \$37,390.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is a deficiency appropriation bill and the committee has just authorized an appropriation of \$319,000 for the Prohibition Bureau. I am informed that several million dollars more will be asked in the regular appropriation bill for the Department of Justice.

The gentleman from Maryland [Mr. LINTHICUM] offered a few moments ago an amendment and the information of a speak-easy maintained at Government expense, which he gave in support of his amendment, must have shocked a great many of the Members of this House. I have heard some Members say that the Indianapolis speak-easy case or the entrapment case described by the gentleman from Maryland was an exceptional one, and was not the rule. I want to say to the House now, so that you may be advised, that public funds have been spent for entrapment purposes and maintaining unlawful resorts during the last five or six years. I brought to the knowledge of the House the case of the Bridge Whist Club in New York City, which was operated by the Prohibition Bureau. The furniture, the rent, the personnel, and the liquor were paid for out of public funds, and I have copies of the vouchers which I received from the comptroller's office. In Norfolk, Va., the Government operated a pool room where liquor was sold for purposes of entrapment. The vouchers for the moneys that were spent in that case by the Government are also in the comptroller's office. In Elizabethtown the Government operated a still to entrap persons into violations of the law, and this was discovered when one set of Government officials, not knowing that the still was a Government-operated still, was trying to collect graft from another set of Govern-



ment officials. The Prohibition Bureau financed a corporation in New York City known as Le Shone de Paris, incorporated it under the law of the State of New York, and financed the corporation to get an alcohol permit, purchased denatured alcohol, and unlawfully sold denatured alcohol to manufacturers for beverage purposes. Some 18 or 20 persons were indicted, and when all the information came out that Government agents engineered the whole scheme every case was thrown out of court.

Although you have voted down the amendment offered by the gentleman from Maryland, public funds have been and are now being spent improperly to entrap citizens and make cases.

Mr. KNUTSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KNUTSON. At St. Cloud, Minn., an undercover man came running into a drug store late one night saying that his wife was very ill and asked for a pint of liquor. He received it with the understanding he would bring a prescription around the next morning. The next they heard was when they were raided. They raided one hundred and twenty odd places in that neighborhood and this man received \$25 per information, or \$3,200 in the aggregate.

Mr. LAGUARDIA. That is typical. In my city a certain prohibition agent went to places and gave the distress signal of a great fraternal order and got liquor on the pretext that he was ill and a stranger in the city, and then made an arrest on the liquor he so obtained.

Mr. KNUTSON. That is nice business, is it not?

Mr. LAGUARDIA. It is outrageous, it is disgraceful. The Department of Justice is going to be contaminated and its usefulness is going to be destroyed just as the Treasury Department was dragged down into the mud by the attempted enforcement of this impossible law.

Mr. KNUTSON. Why speak in the future tense?

Mr. LAGUARDIA. Gentleman, you may have voted down the amendment to-day preventing improper use of public funds, but just as sure as day follows night the time will come, perhaps in the appropriation bill for the Department of Justice, when public opinion will force Congress to put a limitation upon any branch of the Government that seeks to go out and entrap people into violation of law. I ask for the sober judgment of the membership of this House. I ask every dry in this House to give the matter his attention and to check up on every fact I have stated to-day and put a stop to the improper use of public funds in connection with prohibition enforcement.

Mr. BECK. Mr. Chairman, I move to strike out the last two words.

Mr. WOOD. Mr. Chairman, I wish to say to the Chair and also to the gentlemen of the committee that the item with reference to the prohibition question has been passed. In order to get the bill through and expedite business I must insist that the debate from now on be upon whatever item is then under consideration. I shall not object to the gentleman from Pennsylvania proceeding if he wants to make a speech; but after that I shall insist upon the regular order.

Mr. BECK. Mr. Chairman, the time will come when this and similar debates in the House of Representatives will be regarded by a future generation with the same sorrow and humiliation as those of us who are descended from the Pilgrim fathers regard the debates that once took place on the subject of witchcraft. [Applause.] It will be regarded by a future, and a not very distant, generation as extraordinary that the House of Representatives should have sustained invasions of personal liberty such as have been retained in the present bill within the last hour in this House.

I do not intend to discuss the question except in one aspect and to make one comment for what it is worth. I appreciate the futility of discussion. The present is with the dries, the future is with the wets, and it will not be any very distant future, if we can judge from the returns of last November's election. [Applause.]

But I want to say this very solemnly to the House, and I did not intend to say it when I came into this Chamber.

If it were within my power to visualize to the House the consequences of such legislation I could change the present minority of the House to a majority and majority to a minority, or else I would not have the high regard for the humanity of each Member of the House that I now have. According to the last report of the Commissioner of Prohibition, there were indicted in this country 68,173 people, of whom 54,085 were convicted, with prison sentences aggregating 14,172 years, under the Volstead law. If I could assemble those 54,000 men, women, and even children, and invite the House to witness them pass in solemn procession before the Capitol, men and women who have been changed from self-respecting citizens into either avowed or actual criminals—if I could invite this House to witness this procession of misery, and they were to march in military formation, it would require at least five hours to pass a given point.

When I listen to my friend from Texas, always zealous and always eloquent, speak about the President of the United States having the Army, the marines, and every executive source to enforce this law, including the methods of prohibition enforcement officers, of which we have heard something to-day, then I would like to know how many American criminals you are going to make of otherwise self-respecting citizens before you can enforce a statute which, if experience in the last 10 years counts for anything, with all the wealth of the Government, with the Army and the Navy, and the expenditure of hundreds of millions of dollars, has proved ineffective to change the primary instinct of individual liberty that is in the human breast of the average American. [Applause.]

Edmund Burke, the most philosophical of all students of government, once said that "politics ought to be adjusted not to human reasonings but to human nature, of which reason is but a part and by no means the greater part."

To the same effect that eminent senior Justice of the Supreme Court said that the "life of the law is not in logic but in experience."

Experience has shown that you can spend all of the money in the Treasury and you will not destroy in the hearts of the American people that instinct of freedom which they have, that in the use of such beverages they have the right to order their own lives and that without unreasonable interference of any government. Convict 120,000 a year, and not as this year over 50,000, and yet you will not terrorize the American people. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read as follows:

#### JUDGMENTS, UNITED STATES COURTS

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (U. S. C., title 28, sec. 41, par. 20; sec. 258; secs. 761-765), certified to the Seventy-first Congress, in House Document No. 690, under the following departments, namely: Navy Department, \$4,697.08; War Department, \$14,498.47; in all, \$19,195.55, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. Yesterday, just before the committee rose, I suggested that I would make an inquiry as to the policy of the Government in paying interest on judgments. Here is a paragraph in which you prescribe that the rate of interest shall be 4 per cent. In the following paragraph there is no limitation on the amount of interest that is to be paid on judgments. And so also in the first paragraph, on page 13, you place a limit and say that interest shall not continue for more than 30 days after the approval of the act.

It was my impression that in prior years we did not make any provision for interest on judgments. I would like to inquire whether I am wrong or not.

Mr. WOOD. These judgments are rendered under different statutes and some provide for interest and some do not. The rate of interest is within the limits of the statute. We do not fix the rate.



Mr. STAFFORD. I have looked over the code and I do not find any law for the payment of interest on judgments other than on judgments entered against the Government in suits instituted in the United States district courts. Here is a provision where you prescribe a limit of 4 per cent.

Mr. WOOD. I will say that if the gentleman will turn to pages 11 and 12 he will find the acts under which interest is to be paid.

Mr. STAFFORD. I examined the code yesterday, and as far as judgments on actions begun in the United States district courts are concerned the provision is that the rate of interest shall be the same as that on judgments carried in the State courts. I do not find any provision anywhere in the code restricting the rate of interest to 4 per cent. I think there should be some general law prescribing the rate of interest on judgments against the United States. In the paragraph before us we prescribe one rate and the next paragraph another rate is prescribed.

Mr. WOOD. Those were fixed by law, and it is not the function of this committee to change it.

Mr. STAFFORD. I doubt whether there is any law authorizing the payment of 4 per cent, and if there is I would like the gentleman to cite me the law.

Mr. WOOD. I cite the gentleman to page 11 of the present bill.

Mr. STAFFORD. I refer to the special paragraph now under consideration.

Mr. WOOD. There are various laws affecting these judgments.

Mr. STAFFORD. Under one law they prescribe 6 per cent. Under the present paragraph by a limitation you prescribe the rate of 4 per cent. Why should there not be a uniform rate? Why should there not be legislation by Congress prescribing a uniform rate?

Mr. WOOD. I agree with the gentleman that there should be uniformity; but there is no uniformity in the present statutes. I think it would be a splendid thing if the gentleman from Wisconsin would introduce a bill to have this uniformity provided, and send the bill to the Committee on the Judiciary.

Mr. STAFFORD. Oh, it is very kind of the gentleman to make that suggestion.

Mr. WOOD. I make the suggestion in all seriousness. I think there should be some study of the advisability of a uniform rate.

Mr. STAFFORD. My purpose in rising was to call the matter to the attention of the House. Here you are prescribing 4 per cent, and in another paragraph 6 per cent. I hope this discussion will cause some member of the Committee on the Judiciary that is not overburdened with work, except in bringing in bills to provide additional judges to take care of prohibition cases, to provide substantive law-making uniformity in interest charges on judgments entered against the United States. I withdraw the reservation of the point of order.

The Clerk concluded the reading of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to return to page 3, line 4, for the purpose of offering the amendment which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 3, line 4, for the purpose of offering an amendment. Is there objection?

Mr. LA GUARDIA. Reserving the right to object, let us have the amendment read.

The CHAIRMAN. Without objection, the Clerk will read the amendment for information.

The Clerk read as follows:

On page 3, after line 4, insert the following:

"For payment to Louis L. Ludlow for expenses incurred as contestee in the contested-election case of Updike against Ludlow, audited and recommended by the Committee on Elections No. 1, \$1,033.50.

"For payment for expenses incurred by Ralph E. Updike, contestant in the contested-election case of Updike against Ludlow, audited and recommended by the Committee on Elections No. 1, \$1,309.75.

"The two foregoing appropriations to be disbursed by the Clerk of the House."

The CHAIRMAN. Is there objection?

Mr. LA GUARDIA. Mr. Chairman, as the distinguished chairman of the Committee on Appropriations is still busy with "relief" work, I shall not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana to return to page 3, line 4, for the purpose of offering the amendment?

There was no objection.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GARNER. May I have the attention of the gentleman from Indiana? Of course, this is quite an important bill, the first deficiency bill. The gentleman hopes to get it through at an early date, I imagine. What is the gentleman's hopes with reference to the final passage of the bill?

Mr. WOOD. I had hoped that this bill would be passed within the next week by both Houses.

Mr. GARNER. During the week?

Mr. WOOD. Yes.

Mr. GARNER. It is a very important bill, and the earlier it can be passed the earlier the matters can be taken care of for which the appropriations are made.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 5456. An act to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; to the Committee on Interstate and Foreign Commerce.

S. 5457. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21; to the Committee on Interstate and Foreign Commerce.

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7; to the Committee on Interstate and Foreign Commerce.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined



and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 13130. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.; and

H. R. 14446. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

#### ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until to-morrow, Thursday, January 8, 1931, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 8, 1931, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Independent offices appropriation bill.

District of Columbia appropriation bill.

##### COMMITTEE ON FLOOD CONTROL

(10 a. m.)

A joint subcommittee hearing to discuss the Boeuf and Atchafalaya floodways projects.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

763. A letter from the president of Georgetown Barge, Dock, Elevator & Railway Co., transmitting annual report of said company for the year ending December 31, 1930; to the Committee on the District of Columbia.

764. A letter from the Secretary of the Navy, transmitting a draft of a bill to prohibit the recovery of any indebtedness to the United States from either the principal or the interest due and payable to a depositor in the military naval service; to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 12037. A bill authorizing the payment of a claim presented by the Polish Government for the reimbursement of certain expenditures incurred by the community authorities of Rzeszczyn, Poland, to which place an insane alien was erroneously deported; without amendment (Rept. No. 2183). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 12067. A bill for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925; without amendment (Rept. No. 2184). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 12352. A bill to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims arising as a result of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard in June, 1925; without amendment (Rept. No. 2185). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 15064. A bill to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.; without amendment (Rept. No. 2187). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 15603. A bill to extend the restrictive period against alienation, lease, mortgage, or other encumbrance of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes; without amendment (Rept. No. 2188). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 3869. A bill to authorize the acquisition of additional land for the use of Walter Reed General Hospital; with amendment (Rept. No. 2192). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12960. A bill for the relief of Mrs. Thomas Doyle (Margaret Doyle); without amendment (Rept. No. 2186). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 11081. A bill for the relief of Mercedes Martinez Viuda de Sanchez, a Dominican subject; without amendment (Rept. No. 2189). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12959. A bill for the relief of John T. Doyle; without amendment (Rept. No. 2190). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 325. A joint resolution to provide for the payment of an indemnity to Li Ying-ting (Li Ing Ding) for the deaths of four members of his family who were drowned as a result of a collision between a Chinese junk and a United States naval vessel and for medical and burial expenses incurred as a result of the collision; without amendment (Rept. No. 2191). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15239) for the relief of the heirs of Facunda Gonzales; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15663) granting a pension to James F. Deal; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15754) granting a pension to Sarah V. Dent; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKBEE: A bill (H. R. 15860) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serene, in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 15861) to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 15862) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. ARENTZ: A bill (H. R. 15863) to regulate the practices of professional engineering and land surveying; creating a registration board for professional engineers and land surveyors of the District of Columbia; defining its powers and duties, also imposing certain duties thereon in



connection with public work; and providing penalties; to the Committee on the District of Columbia.

By Mr. BACON: A bill (H. R. 15864) authorizing refund of 50 per cent of the duties collected upon certain carillons and parts thereof; to the Committee on Ways and Means.

By Mr. DENISON: A bill (H. R. 15865) for the retirement of employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 15866) to amend section 6 of the national charter of the Great Council of the United States of the Improved Order of Red Men; to the Committee on the Judiciary.

By Mr. GLOVER: A bill (H. R. 15867) to provide for the retention by the United States of a site within the Hot Springs National Park formerly occupied by the Arlington Hotel and Bathhouse for park and landscape purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: A bill (H. R. 15868) to increase disability allowances to certain soldiers and sailors of the World War, and to certain widows, minor children, and mothers of such soldiers and sailors; to the Committee on World War Veterans' Legislation.

By Mr. MOREHEAD: A bill (H. R. 15869) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOX: A bill (H. R. 15870) authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River where Texas Highway No. 45 meets Louisiana Highway No. 21; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15871) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15872) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of Wyoming: A bill (H. R. 15873) to add certain public lands to the Washakie National Forest, Wyo.; to the Committee on the Public Lands.

By Mr. CRAIL: A bill (H. R. 15874) authorizing the temporary employment by the Administrator of Veterans' Affairs without regard to civil-service rules of an adequate force to catch up promptly with the work of the Veterans' Bureau and the Pension Bureau and authorizing necessary appropriation therefor; to the Committee on Expenditures in the Executive Departments.

By Mr. TEMPLE: A bill (H. R. 15875) to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 15876) to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes; to the Committee on the Public Lands.

By Mr. SMITH of Idaho: A bill (H. R. 15877) to authorize exchanges of land with owners of private land holdings within the craters of the Moon National Monument; to the Committee on the Public Lands.

By Mr. GIBSON: A bill (H. R. 15878) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1931; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 15879) for the relief of Francis Joseph Meade; to the Committee on Naval Affairs.

By Mr. BLAND: A bill (H. R. 15880) granting a pension to Charles C. Lockhart; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 15881) granting an increase of pension to Ophelia Roseberry; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 15882) granting an increase of pension to Elizabeth F. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15883) granting an increase of pension to Elizabeth C. Falsoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15884) granting a pension to Fredrika Monstrom; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 15885) to correct the Coast Guard record of Frank P. Barbour; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 15886) granting a pension to John Malasi; to the Committee on Pensions.

Also, a bill (H. R. 15887) granting an increase of pension to Mont Graham; to the Committee on Pensions.

Also, a bill (H. R. 15888) for the relief of James Joseph Kain; to the Committee on Naval Affairs.

By Mr. DOWELL: A bill (H. R. 15889) granting a pension to John A. Clark; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 15890) granting a pension to Ernest P. Garlach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15891) granting a pension to Minerva C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15892) granting an increase of pension to Nancy E. Kellams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15893) granting a pension to Mary E. Sillings; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 15894) for the relief of certain United States naval officers; to the Committee on Naval Affairs.

By Mr. GAMBRILL: A bill (H. R. 15895) for the relief of William A. Smith; to the Committee on Military Affairs.

By Mr. GARBER of Oklahoma: A bill (H. R. 15896) granting an increase of pension to Mary C. Plunkett; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 15897) granting an increase of pension to James P. Burns; to the Committee on Pensions.

Also, a bill (H. R. 15898) granting a pension to Nelle L. Axe; to the Committee on Pensions.

Also, a bill (H. R. 15899) granting a pension to Luther Hudson; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 15900) for the relief of Dawson A. Bell; to the Committee on Military Affairs.

By Mr. HOCH: A bill (H. R. 15901) granting an increase of pension to Frances E. Miller; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 15902) granting an increase of pension to Sophia Pinger; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15903) granting a pension to Ivan W. Walker; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 15904) granting an increase of pension to Elizabeth Dugan; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 15905) for the relief of Sophie Carter; to the Committee on Claims.

By Mrs. OLDFIELD: A bill (H. R. 15906) granting a pension to Henry K. Dinan; to the Committee on Pensions.

By Mrs. OWEN: A bill (H. R. 15907) granting an increase of pension to Edna A. Bradley; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 15908) for the relief of Luke Francis Brennan; to the Committee on Naval Affairs.

By Mr. RICH: A bill (H. R. 15909) granting an increase of pension to Sarah E. Phillips; to the Committee on Invalid Pensions.



By Mr. ROMJUE: A bill (H. R. 15910) granting a pension to Sarah Jane Clutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15911) granting a pension to Robert C. Roseberry; to the Committee on Pensions.

Also, a bill (H. R. 15912) granting a pension to Joseph Morton Finney; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 15913) granting a pension to Charles Ross Darsey; to the Committee on Pensions.

Also, a bill (H. R. 15914) granting an increase of pension to Thomas L. Holcomb; to the Committee on Pensions.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 15915) for the relief of Carl Walter Olsen; to the Committee on Naval Affairs.

Also, a bill (H. R. 15916) granting a pension to Leo J. Nagele; to the Committee on Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 15917) granting a pension to John Wesley Smailes; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15918) granting a pension to Hannah A. Taylor; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 15919) granting an increase of pension to Eliza McBroom Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15920) granting an increase of pension to Eleveann Albert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15921) granting an increase of pension to Susan Kennedy; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: Resolution (H. Res. 331) to pay Dr. George Campbell an amount equal to six months' compensation of the late James Campbell; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8441. By Mr. BLACKBURN: Petition of Corde Rena, of Owensboro, Ky., urging the immediate enactment into law of the Vestal copyright bill without amendment from its present form; to the Committee on Patents.

8442. Also, petition of Malcolm Bayley, George Carter, and 16 other Christian Scientists of Louisville, Ky., urging the immediate enactment into law of the Vestal copyright bill without amendment from its present form; to the Committee on Patents.

8443. Also, petition of Helen B. Robinson, of Bowling Green, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8444. Also, petition of Mr. and Mrs. P. H. Munson, Christian Scientists, of Covington, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8445. Also, petition of Mrs. J. D. Heil, C. C. Curley, and Minnie Schmidt, of Bellevue, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8446. Also, petition of Ella May DeVoss and Florence DeVoss, of Newport, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8447. Also, petition of Ada May Cromwell, of Jett, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8448. Also, petition of Lillian Ewalt, Theresa Stern, Dorcas Rose Levy, and six other Christian Scientists, of Paris, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8449. Also, petition of the district convention of the Woman's Christian Temperance Union held at Georgetown, Ky., signed by Mrs. T. L. Shannon, of Lexington, Ky., as

president, and Mrs. W. H. Whitaker, of Winchester, Ky., as secretary, calling upon Congress to enact a law for the Federal supervision of motion pictures licensed for interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

8450. Also, petition of Jeanette Dwing, Mrs. E. G. Sanders, and Mrs. R. G. Wolfley, of Frankfort, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment; to the Committee on Patents.

8451. Also, petition of Kate Logan Bronaugh, of Lexington, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8452. Also, petition of Mr. and Mrs. Charles L. Babbitt, of Lexington, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8453. Also, petition of Ophelia Childs, Aries Wickliffe, Sallie G. Stone, and five other Christian Scientists, of Lexington and Winchester, Ky., urging enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8454. Also, petition of Jennie Skidmore, representative of the Christian Science Monitor in Lexington, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8455. Also, petition of Mr. and Mrs. James G. Thomson, Christian Scientists, of Winchester, Ky., urging the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8456. Also, petition of Mrs. H. A. Paynter, Mrs. G. C. Fox, and Mary Jane Stephenson, Christian Scientists, of Winchester, Ky., praying for the immediate enactment into law of the Vestal copyright bill, without amendment from its present form; to the Committee on Patents.

8457. By Mr. BLOOM: Petition of National Executive Council of the Women's Moderation Union, urging the relief of unemployment by passing legislation which will end prohibition and reduce taxes by the reestablishment of industries which the eighteenth amendment prohibits; to the Committee on the Judiciary.

8458. By Mr. CONNOLLY: Letter from the Philadelphia Real Estate Board inclosing copy of resolutions unanimously adopted by the board of directors of that organization, protesting against any increase in the postage rate on first-class mail matter; to the Committee on the Post Office and Post Roads.

8459. By Mr. CULLEN: Petition of Board of Commissioners of Pilots of New York, asking the Congress for an early appropriation of necessary funds to permit of the acquisition, by construction or otherwise, of additional vessels of a suitable type to enable the captain of the port to meet increasing demands for a more efficient patrol and supervision over the waters of New York Harbor; to the Committee on the Merchant Marine and Fisheries.

8460. Also, petition of the executive committee of the unemployment emergency committee of Brooklyn, N. Y., urging upon the Congress the importance of immediate initiation of scheduled public improvements and construction enterprises in order to relieve the present situation by furnishing employment at once for as many men and women as possible; to the Committee on Appropriations.

8461. Also, petition of the Government Club (Inc.), of New York City, protesting against the proposed reduction in the appropriation for the pay of retired officers on active duty and recommending the restoration of this item in order that the military training in the New York public schools may continue unhampered; to the Committee on Appropriations.

8462. Also, petition of national executive council of the Women's Moderation Union, asking Congress to help relieve unemployment by passing legislation which will end prohibition and reduce taxes by the reestablishment of industries which the eighteenth amendment prohibits; to the Committee on the Judiciary.



8463. Also, petition of the Union League Club, of the city of New York, asking that the Government of the United States further restrict immigration of undesirable persons from Russia to the United States, and take measures to promptly deport any aliens guilty of unlawful action in subversion of the form of the Government of the United States; to the Committee on Immigration and Naturalization.

8464. Also, petition of the Bronx Chamber of Commerce, urging Congress to note the advice of the President in the matter of bringing about relief under present labor conditions, and to back his policy of discretion by making such provisions as he might suggest; to the Committee on Labor.

8465. By Mr. ENGLEBRIGHT: Petition of Mining Association of California, through its secretary, Mr. C. S. Brooks, favoring the elimination by repeal of all income taxes on the income from gold mines operated in the United States, etc.; to the Committee on Ways and Means.

8466. Also, petition of Grand Parlor, Native Sons of the Golden West, approving without reservation the policy indicated in measures now before Congress for suspension of immigration from all countries, including the Philippines, for a term of years; to the Committee on Immigration and Naturalization.

8467. Also, petition of the annual meeting of the California Cattlemen's Association, San Francisco, Calif., December 13, 1930, indorsing the efforts of Farm Board to place system of marketing agricultural products on a firm and sound foundation; to the Committee on Agriculture.

8468. Also, petition of Hydraulic Parlor, No. 56, Native Sons of the Golden West, of Nevada City, Calif., approving without reservation the policy indicated in measures now before Congress for suspension of immigration from all countries, including the Philippines, for a term of years and protesting against an exception being made in favor of Filipinos, as demanded by Hawaii, etc.; to the Committee on Immigration and Naturalization.

8469. By Mr. FINLEY: Petition of Claude L. Hammons and other ex-soldiers of Barbourville, Ky., urging part or full payment on adjusted-compensation certificates; to the Committee on Ways and Means.

8470. By Mr. HILL of Washington: Petition signed by Keld M. Bache and other World War veterans of Sprague, Wash., asking for the prompt passage of the Garner bonus bill, H. R. 15589; to the Committee on Ways and Means.

8471. By Mr. KVALE: Petition of Adwell-Ashley Post, No. 180, American Legion, Renville, Minn., by Paul W. Glander, commander, and Quincy E. Boynton, service officer, urging enactment at once of legislation providing for immediate and full payment of adjusted-service certificates; to the Committee on Ways and Means.

8472. By Mr. PRALL: Petition from residents of the eleventh district of New York, urging the passage of House bill 7884 providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8473. Also, petition from residents of the eleventh district of New York, urging the passage of House bill 7884 providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8474. By Mr. SMITH of West Virginia: Resolution of the Advertising Club, of Huntington, W. Va., protesting against the proposed increase on first-class mail; to the Committee on the Post Office and Post Roads.

8475. By Mr. TREADWAY: Petition of Boston (Mass.) Local, Journeymen Stone Cutters' Association of North America, for the use of local stone in public buildings, the use of local labor in preparing stone, the payment of prevailing local wages, and the limitation of working hours to eight hours a day and five days a week; to the Committee on Public Buildings and Grounds.

8476. Also, petition of certain registered voters of the first congressional district of Massachusetts, for the enactment of legislation exempting dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8477. By Mr. WELCH of California: Petition of 50 citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

## SENATE

THURSDAY, JANUARY 8, 1931

(Legislative day of Monday, January 5, 1931)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3273) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 8568. An act to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn;

H. R. 15592. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes; and

H. J. Res. 357. Joint resolution classifying certain official mail matter.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 13130. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.; and

H. R. 14446. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shortridge
Barkley	Fletcher	La Follette	Smith
Bingham	Frazier	McGill	Smoot
Black	George	McKellar	Steak
Blaine	Gillett	McMaster	Steinwer
Bleas	Glass	McNary	Stephens
Borah	Goff	Metcalf	Swanson
Bratton	Goldsborough	Morrison	Thomas, Idaho
Brock	Gould	Morrow	Thomas, Okla.
Brookhart	Hale	Norbeck	Townsend
Broussard	Harris	Norris	Trammell
Bulkeley	Harrison	Nye	Tydings
Capper	Hastings	Oddie	Vandenberg
Caraway	Hayden	Partridge	Walcott
Carey	Hebert	Phipps	Walsh, Mass.
Connally	Heflin	Pine	Walsh, Mont.
Copeland	Howell	Pittman	Waterman
Couzens	Johnson	Ransdell	Watson
Cutting	Jones	Robinson, Ark.	Wheeler
Dale	Kean	Robinson, Ind.	Williamson
Davis	Kendrick	Sheppard	
Dill	Keyes	Shipstead	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.